GENERAL AND [redacted] SECRETARIA[redacted]

[redacted]

NOTE [redacted]

File No. 470/05

FILE HEADING.

A Draft
Council for [redacted]
in Mysore.

Establish
Regulations

From

No.	Dated	Received

161

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

From the Hon'ble the Resident in Mysore.

D° dated the 1st May 1906

Stating that he [redacted]

[redacted] disbanding [redacted] Legislative Council

will work prejudicially.

Notes—First sheet.

Submitted to His Highness

1. I have already represented to His Highness in person the desirability of having a Legislative Council at Mysore - The Hon'ble the Resident was informally consulted & he does not see any objection to the proposal His letter dated 1st May on the subject is enclosed.

2 I now ~~enclose~~ submit the draft of a Regulation with a Statement of Objects & reason. If His Highness approves the general principle of the measure I shall ~~send~~ send it to the Resident for approval & bring the matter before Council

12th May 1906 M Krishnaraja

RECORD OF CASES SUBMITTED FOR THE ORDERS

OF HIS HIGHNESS THE MAHARAJA

SUBJECT

The establishment of a Legislative C

Date 12.5.06 Council for Mysore.

No 743.

ORDER

3. The case may now go to Council.

KRW
7/6/06.

4. Please circulate to Council
7/6/06.

D I have put in a copy of his Highness's note, the original not having been returned from H.H.
8/6/06

5. I quite approve of the proposal to establish a Legislative Council for Mysore. The proposed Draft Regulations & Rules may, this has been put in for his Highness's perusal 10/6/06

Please return

May be published in the Gazette
& circulated (in MSS) as usual

2 But Govt. do not think that the
functions of the Legislative Council
may be somewhat enlarged beyond
the limits outlined in the present proposals.
Broadly speaking, Govt place them
on the footing of the Legislative Council
at Madras. In a sense it should be said
that the Govt of H.M. the Maharaja is
different from the Govt of Fort St George.
But I am sure that there is nothing
in the nature of the former incompatible
with the introduction suggested. & it seems
to me that by constituting a body like the
Madras Legislative Council H.M. the Maharaja
will be laying the foundations of a living
and permanent system on which future
generations will be thankful. Some of the
non official members of such a body
may be elected by the Durbar representative
Assembly. I shall address
& forward the [illegible] to Govt
as soon as I hear from Govt.

2d Councillors opinion

6 A Legislative Council for Mysore is one of the subjects often mooted by the Members of the Representative Assembly. The need for such a Council has long been felt and has also been voiced in the public press. The value of such an institution can hardly be exaggerated in dealing with delicate & complicated questions like those connected with the removal of Caste disabilities.

The Constitution & powers of the Representative Assembly are quite different from

as in Travancore. The
enlarged powers in the
way of interpellation &c
are not necessary in Mysore
as this function is now
efficiently discharged by
the Representative Assembly

The proposal as now
outlined has my heartiest
sympathy & support

K. P. Puttanniah
2d Commissioner

Mysore.
11th January 1907

Extract from the Proceedings of the 141st *Meeting of the Council of His Highness the Maharaja, held at* Mysore *on the* 11th June *1906*.

I. Subject-(Clause xii of the Schedule.)

The establishment of a Legislative Council for Mysore.

Opinions of the Dewan and Councillors.

It is very desirable, for reasons mentioned in the Statement of objects and reasons, to have a Legislative Council for Mysore for the consideration of measures of legislation. The draft Regulation proposed is suitable, and the necessary steps may be taken to have it passed into law.

x x x

Sd/- V.P. Madhava Rao,
Dewan-President.

Copy.

Secretary.

Submitted to His Highness.

As directed in His Highness' order of the 7th June 1906, the question of the establishment of a Legislative Council was placed before the Council.

The Councillors, it will be seen, are heartily in favour of the proposed measure. I now request His Highness' permission to send the matter formally up to the Resident with a view to the sanction of the Government of India being obtained, the draft Regulation being in the meantime published in the Gazette in advance of its promulgation at a later stage. The draft of the letter to the First Assistant Resident is submitted for His Highness' approval.

16/6/1906 — M Pandharinathrao

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Draft letter to the Residency regarding the formation of a Legislative Council in Mysore.

Order.

1078
06

The draft appears to me to be generally suitable. I am however inclined to think that it would be advisable for Government to keep nominations entirely in their own hands for the present, and I would add something to that effect in the second note, para 3 of the draft. We can allow the Representative Assembly or other body to select representatives later on when experience has been gained. The draft regulation must not be published before the consent of the Resident is obtained to such a course.

KRW
16/6/06

G.R.S. 12]

General and Revenue Secretariat. | File No. 15 of 1907

Serial No	
2	To the F.A. Resident in Mysore. Letter No 95 dated the 17th June 1906 Forwards a copy of a draft Regulation to establish a Council for making Laws and Regulations in Mysore.

Note—Contn. sheet

GPB—50,000—23 10-05

G.R.S. 12]
General and Revenue Secretariat.

'20

File No. of 190

Serial No. 2

Confidential D.O. dt 3rd Aug/1906
From the Hon'ble the Resident in Mysore, making certain observations in connection with the Draft Legislative Council Regulation.

The Resident asks that conditions be framed (embodied) in the draft—

1) to safeguard the existing system of control by the Govt of India over legislation in Mysore,

& 2) to prevent the danger of the Council hereafter usurping functions which may embarrass both the Durbar and the Govt of India.

And with a view to securing both these conditions, he suggests —

a) that Rule 30 (in the Schedule) be altered, and provision made in the Regulation itself for the previous sanction of the Durbar in writing being obtained before a measure of any description is introduced into Council; such sanction not being given until after the Resident has been consulted.

Note—Contn. sheet

GPB—50,000—23 10-05

Serial No.

b) that the decision previous to decision (2) of the draft Bill (which empowers Govt to refer to the Council for consideration a class of cases which all involve Imperial relations) may be omitted,

& c) that provision be made to meet cases in which the Govt of India require certain alterations or amendments to be made in measures passed by the Council, but in which it might be inexpedient to discuss publicly the considerations which led the Govt of India to frame their objections.

Both the conditions insisted on seem reasonable & may be accepted. The amendments of the draft Bill entailed are as follows:—

(i) In section 12, insert the following as sub-section (1):—

"No measure of any description shall be introduced

"Measures not to be introduced without previous sanction."

GPB—50,000—23 10-05

Serial No.

into the Council without the previous sanction in writing of the Dewan and the leave of the Council obtained in accordance with rules framed under Section 11.

(ii) Omit the first proviso to section 12, as the provision therein contained for the Dewan's sanction in particular cases will be merged in the more general terms of the new sub-Section (1).

(iii) The second proviso should be retained, with the omission of the words "unless such measure shall have been specially referred by him to the Council for consideration." This is in order to make it clear that such measure shall not be dealt with by the Council under any circumstances. Please see also Section 14 (2) (b) which deals with the retention of the proviso in question.

(iv) A few consequential changes

NOTE—Contn. sheet

GPB—50,000—23 10-05

Serial No.

here and there in the Rules in the Schedule, Eg. in Rule 10(3), Rule 30 & 53

(V) The minor alteration suggested in the note appended to the Residency letter may also be accepted.

To facilitate consideration of the amendments, I have underlined them in red ink in their places in the accompanying copy of the draft Rules.

HB

As regards preventing the Council from discussing the propriety of objections taken by the Govt of India, it seems to me that Section 12(2) prohibiting motions except upon a recommendation [illegible] Rule 50 re: Discussion of amendments at the meeting of the Council, & Rule 53 prohibiting discussion with regard to the exercise of His Highness' prerogative ~~[illegible]~~ ~~is undoubtedly framed so~~, seem sufficient, the prerogative will no doubt be guided by the views of the Govt of India.

× Vide slip attached to the note.

Note—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

C 22 [illegible] 06

Circulated to the Councillors for favour of their opinion, as directed by the Governor.

M Chamberlain
9-Feb

Since writing the above note, I have received the following information with regard to the practice in the Tasmanian Legislative Council, which may be of use.

M 9/2/06

Vide

* From Mr A. Galbraith, Sec., Under Sec'y, Tasmania, in his letter of 7-Feb 06

Read 9/2/06

Government House,
9th February 1906

My dear Le

Thanks for your
[illegible]
[illegible]
[illegible]

Serial No.

1 The alterations now adopted are appropriate. With them I should think that there need be no objection to adopting the higher form of Legislative Council which now exists in Madras & Bombay. 15 Aug 06.

1 The suggestions made by the Honorable the Resident are conceived in the best interests of the State and may be adopted. The alterations in the Draft Regulation may be passed.

I would not grant the right of interpellation to the higher powers to the Council until sufficient experience has been gained for a year or two of the working of the new Council

H. H. Cunningham
15/8/06 2d Councillor

Note—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]

General and Revenue Secretariat.

File No. of 190

Serial No.

Sybd Ahsan writes a corrp. D.O. regd Mr Fraser. (The file has to be sent W.H.)

GPB—50,000—23-10-05

7

Submitted to His Highness.

I submit a D.O. letter from the Hon'ble the Resident making certain observations on the draft Regulation to establish a Legislative Council in Mysore.

I have made suitable amndments in the draft Regulation in accordance with the suggestions. These are entered in red ink in the draft and may be approved.

I also enclose for perusal a draft of a D.O. reply I propose sending to the Hon'ble the Resident.

18/8/1906 K. Seshadri Rao

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Residency observations on the draft Regulation to establish a Legislative Council in Mysore, with proposed reply thereto.

Order.

Approved

~~KRW~~

21/8/06

Dewan's order

Please issue

B.O.

CSB

22/8/06

Serial No.

4 D.O. dy the 22d Aug 1906 from the Decon of Inyrie to the Hon'ble the Resident

Accepting the suggestions made by the Hon'ble the Resident, with certain remarks, & intimating the amendments necessary to give effect to them.

5 D.O. dy the 25th Septr 1906 from the Hon'ble the Resident, suggesting one more point for consideration (viz. the reservation to Government of power to legislate on any matter on which it may be desirable to do so without reference to the Legislative Council), and asking that the Secretary's official letter of 17th June 1906 may be revised and amplified.

The further amendment suggested seems all right, though the assumption that the Executive Govt has power to legislate in its capacity as such is not accurate. The covering letter to the Resident has been revised by the addition of a fresh para (3) explaining the procedure to be followed

GPB—50,000—23-10-05

Serial No.

in matters of legislation. The draft Regn has also been reprinted [illegible] all the modifications suggested [illegible] accepted by the Durbar.

The draft of a D.O. to the Resident is also put up.

6/10/05

Ordered that the draft be circulated to the Councillors for favour of opinion.

6/10/05

The Drafts may be approved

Sd/- Bahl

May be approved

W. Rattenbury

11/10/05 2d Councillor

GPB—50,000—23-10-05

Submitted to His Highness.

I submit for approval a draft D.O. letter to the Hon'ble the Resident and a revised covering official letter forwarding the draft of the Legislative Council Regulation. The suggestions made by the Hon'ble the Resident in his D.O. letters of the 3rd August and 25th September 1906, have been embodied in the draft.

14/10/1906

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Draft of a D.O.letter to the Hon'ble the Resident forwarding the draft of the Legislative Council Regulation.

Order.

Approved

KRW

16/10/06

Dewan's order

Please issue.

BO 188

19/10/06

Dec 5-80 Pt 1/2/07

Serial No.	
6	DO dated the 17th October 1906 from the Dewan of Mysore to the Hon'ble the Resident. Forwards a revised letter No. 294 dated the 17th October 1906 with two copies of the revised draft of the Regulation.
7	DO dated the 26th October 1906 from the Dewan of Mysore to the Hon'ble the Resident in Mysore. Offers certain further remarks on the subject of the competence of the Mysore Govt in its executive capacity to pass permanent orders having the force of law.
8	DO dated the 31st October 1906 from the Hon'ble the Resident in Mysore to the Dewan of Mysore. Acknowledges the above letter and states that he had drawn no distinction between the executive Govt of the Maharajah and His Highness himself.

GPB—50,000—23 10-05

THE RESIDENT MYSORE

BANGALORE.

27th February 1907

Dear Mr. Madhava Rao

You will be pleased to hear that I am able to communicate to you officially the sanction of the Government of India to the establishment of a Legislative Council in Mysore.

2. You will remember that in recommending the measure to the Government of India, in a letter, of which a copy was shown to you, I welcomed the constitution of such a Council with qualified enthusiasm and expressed the opinion that no special necessity exists for it in Mysore. It will interest the Durbar to hear that the Government of India share that opinion, but, subject to the understanding formulated in my official letter, see no sufficient reason for advising His Highness to desist from the proposed experiment.

Yours sincerely

Sir Stuart

V.P.Madhava Rao Esqr., C.I.E.,

Dewan of Mysore.

Serial No. 1

Letter no 1033 S. the 27th Feby 1907 from the J. A. Resident communicating the sanction of the Govt of India to the Draft Regn for the establishment of a Legislative Council in Mysore, on the understanding that, whatever the legislative machinery employed, the ultimate responsibility for all legislation will be recognized to remain with H.H. the Maharaja, & that the control over such legislation, vested in the Governor General in Council by the Instrument of Transfer, is to be unimpaired.

The Regulation, after it receives His Highness' sanction, may, when it is promulgated, be accompanied by a Statement of Objects & Reasons in terms of paras 2 & 4 of our letter No. 2548 S. 17th Oct. 1906.

2-3-07

To Secretariat 1st (K.)

4011
11-3-07

GPB—50,000—23 10-05

Submitted to His Highness.

I submit for information, copy of a D.O. letter from the Hon'ble the Resident, dated 27th February 1907, conveying the sanction of the Government of India to the establishment of a Legislative Council in Mysore.

28/2/1907

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

28.2.07
641

Residency letter dated 27th February 1907, conveying the sanction of the Government of India to the establishment of a Legislative Council in Mysore.

635

5201
599

Order.

~~KRAP~~
4/3/07

Seen by Dewan
CSB
5/3/07

Jobe

Keep with the other confdl papers
by
5.3.07

Submitted to His Highness.

I solicit sanction to the promulgation of the Regulation for the establishment of a Legislative Council in Mysore, which has received the approval of the Government of India. The Residency letter receiving Paper marked [illegible]ed on the subject is submitted herewith.

4/3/1907

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

S.S.07
643

Sanction for promulgating the Regulation for the establishment of a Legislative Council in Mysore.

Order.

6/7/a.

Sanctioned
~~K R W~~
6/3/07

7/3/1907

Extract from the proceedings of the Council of His Highness the Maharaja conducted at the 153nd Meeting held at Bangalore on Tuesday the 12th March 1907.

V. Subject.--(Clause ii of the Schedule).

Draft order explaining the object of constituting a Legislative Council for Mysore and draft notification appointing the following gentlemen as additional Members of the Council:-

Official Members.	Non-official Members.
1.Mr.A. Narayaniengar, B.A., B.L., Revenue Commissioner.	1.Rajacharyapravina Mr. T.R.A. Thaibee Chetty, C.I.E.
2.Mr.P.N. Punnaiya, B.A., Excise Comm. & I.G. of Regn.	2.Rajamantrapravina Mr. C.Srinivasiengar.
3.Mr.N.J.Shubba, M.A,I.C. of Education.	3.Mr.M.C.Rangaiengar,B.A.Advocate, Mysore.
4.Mr.V.C.Chandrasekhara Aiyar, B.A., B.L., Secretary to Govt., Genl. & Rev. Depts.	4.Mr.S. Nanjaja,Bar-at-law,Bangalore.
5.Mr.M.Kantaraj Urs, B.A., Deputy Commissioner.	
6.Mr.S. Narayana Rao,Govt.Advocate.	

Opinion of the Dewan and Councillors.

The drafts may be approved.

The Under Secretary or other Secretariat officer in charge of the Legislative Branch may be the Secretary to the Legislative Council.

Sd/- V.P. Madhava Rao,
Dewan of Mysore.

"Copy"
C.S.Balasundaramiyer
Under Secretary.

Submitted to His Highness.

I submit for approval, draft proceedings regarding the formation of a Legislative Council in Mysore, together with the draft of a notification appointing certain official and non-official gentlemen as members of the Council.

The drafts were considered and passed in Council.

18/3/01

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Draft proceedings regarding the formation of Legislative Council in Cyrene, together with the draft of notification appointing certain official and non-official gentlemen members of the council.

684

Order.

Approved

~~K K W~~

19/3/07

Darwan's order

Please issue:-

BO

CSB

2073.

1) Regulation I of 1907, 2) notification explaining & 3) notification appointing members sent to be published in Gazette.

21/3/07

Seen

3/Mar 07

G(R.S. 12]
General and Revenue
Secretariat.

of 190

Serial No.	
10	Ind Corps N: 325 16/ Leg 4 7 9/6. of the 26th March 1907 Letter from the Chief objects & Reasons for the formation of a Legislative Council to Proposed and the formation ~~Legislative Council~~ of the Legislative Council ~~A.F. 20 the Gazette Notification~~ N: 9 2515/ Leg & 2d-1 March 1907
1	

Note.—Contn. sheet

GPB—50,000—28 10-05

(1)

F. S. No. 1706 for —

THE RESIDENT MYSORE

~~BANGALORE.~~

O.G.J.

May 1st

Dear Mr. Chandra Rao

I return [illegible]

with thanks the collection

of the proceedings

of the Travancore

Legislative Council

with the copy of the

Travancore Almanac

containing the
Legislative Council
Regulation Rules
from each of the
proceedings as I
have looked through
the Enclosures you
have forwarded upon
the Enclosure of the
Speeches seems to
be well observed,
and I am quite
prepared to believe
from your experience
of the practical
working of the Council
in Jamaica that
there is ample work
for a similar in-
-stitution to perform
in Cyprus. The
State is certainly

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

No. 95 GENERAL & REVENUE SECRETARIAT.

Dated 17th June 1906.

From

K. S. CHANDRASEKHARA AIYAR, ESQ., B.A., B.L.,
Secretary to the Government of H. H. the Maharaja of Mysore,
General & Revenue Departments.

To

R. C. H. MOSS KING, ESQ., I.C.S.,
First Assistant to the Hon'ble the Resident in Mysore.

SIR,

I am directed to forward herewith a copy of a Draft Regulation to establish a Council for making Laws and Regulations in Mysore; and, in explanation of the measure, to submit the following remarks. × with 2 spa copies

2. His Highness the Maharaja considers that the time has arrived for associating with his Government, in the task of legislation, a certain number of official and non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements to give important and valuable assistance in the making of laws and regulations. The requirements of a progressive administration necessitate the passing of new laws and the amendment of existing ones from time to time; but the work has been found by experience to be such as cannot quite satisfactorily be done by the existing agency, namely the Council of His Highness the Maharaja. In these circumstances it is considered desirable to enlarge the Council, so far as legislation is concerned, by the admission into it of official and non-official elements, so as to secure to measures proposed the benefit of discussion by a larger number of qualified men and from different standpoints in a Legislative Council. The introduction of any such institution is not, it may be remarked, intended in any way to affect or diminish the responsibility which, in legislation as in all other matters connected with the administration of the State, rests ultimately with His Highness himself; but solely to enable him and his Government to assertain correctly the needs, wishes and feelings of the people, and to ensure that the laws enacted by him as the ruler of the State (with the approval of the Government of India in cases requiring such approval,) are in all respects well adapted to serve the ends in view. The publicity under which the discussions will ordinarly be carried on, and the facility afforded for the detailed consideration of every measure in a select committee, which is one of the features of a regularly constituted Legislative Council, are additional reasons for anticipating

much practical good from such an institution. It need hardly be added that the proposed measure is sure to be welcomed by all classes of the people of Mysore, and that there is a large body of educated, intelligent and well-informed men in the State from whom a sufficient number of persons fit to take a useful part in the deliberations of the Legislative Council may be chosen as non-official members from time to time.

3. A few further notes explanatory of particular clauses of the Draft Regulation are appended below :—

Notes on Clauses.

Clause 2.—The definitions herein are intended chiefly to distinguish between the existing Councillors of State and the members of the new Legislative Council.

Clauses 3, 4, 5 & 6.—The Council will consist of the Dewan as President, the two Councillors as *ex-officio* members, and not less than ten or more than fifteen additional members, to be nominated by Government and holding office for a period of two years at a time. Not less than two-fifths of such additional members will be non-officials, and provision has been made for defining the conditions under which all or any of the non-official members are to be selected prior to nomination by Government. For the present, however, all nominations will be kept entirely in the hands of Government, the question of allowing local bodies the privilege of submitting recommendations being considered later on when sufficient experience has been gained.

Clauses 7 & 8.—These set out the various ways in which membership is liable to cease.

Clause 11.—While it is the function of the Council itself to make such rules as it may, from time to time, find necessary to regulate the conduct of its business, it is thought convenient to set out a few rules on the subject in a schedule to the Regulation, both as an example of what such rules are intended to provide for, and as likely to be sufficient in themselves for all practical purposes in the early days of a new Council, till it feels the necessity for adding to or altering them. The right of disallowing all or any of the rules made by the Council is reserved to the Government; but will, of course, only be exercised in the rare cases in which a rule made is likely to be prejudical to the efficient, harmonious or speedy transaction of business.

Clauses 12, 13, 14 & 15.—The business to be transacted at meetings will be confined to the "consideration and passing" of measures introduced therein. The "enactment" of every measure rests with His Highness the Maharaja, and is constituted by the act of according his assent thereto. The provisos to clause 12 specify, respectively, the measures which may not be introduced by any member without previous sanction of the Dewan, and those

which shall not be considered at all in Council, unless specially referred to it for the purpose of "consideration." In the latter class of cases, any law required will be framed by the Government (after a reference to the Legislative Council, if so desired, for consideration) and submitted to His Highness the Maharaja for assent

Special provision is made in clause 15 for the passing of measures which, while not outside the jurisdiction of the Legislative Council, are yet so emergently required that the regular course of introduction, consideration and passing thereof in the Council is likely to entail serious delay or is otherwise inexpedient. Such regulations, however, are not intended to be operative for more than six months; their further extension beyond that period being a matter dependent on the measures being formally placed before the Council in the regular course.

4. I am directed to request, in conclusion, that the sanction of the Government of India to the passing of the Draft Regulation may kindly be obtained in due course; and that His Highness' Government may, in the meantime, be permitted, in consideration of the measure proposed being one of much public interest and importance, to have the Draft Regulation published in their official Gazette for the information of all concerned, in advance of its promulgation at a later stage when the sanction of the Government of India shall have been obtained.

I have the honor to be,
Sir,
Your most obedient Servant,

Secretary.

Enclosure to the above

Draft of

A Regulation to establish a Legislative Council in Mysore.

---O---

Preamble. Whereas it is expedient to establish a Council for making Laws and Regulations in Mysore; His Highness the Maharaja is pleased to enact as follows:

Short title. 1. (1) This Regulation may be called the Mysore Legislative Council Regulation, 190

Commencement. (2) It shall come into force on the expiry of three months from the date of its first publication in the Official Gazette.

Interpretation clause. 2. In this Regulation, unless there be something repugnant in the subject or context :-

(1) "Councillor" means a Membe r of the Council of His Highness the Maharaja appointed to assist in the carrying on of the Government of the State.

(2) "Legislative Council" or "Council" means the Council for making Laws and Regulations appointed under Sec. 3.

(3) "Member" means a member of the Legislative Council.

Constitution of Legislative Council.

3. For the purpose of making Laws and Regulations, there shall be a Council to be called the Legislative Council, consisting of a President, two ex officio Members and such number of additional members not less than ten or more than fifteen as may be fixed by the Government of His Highness the Maha raja from time to time.

President and Members.

4. (1) The Dewan shall, ex-officio, be the President of the Legislative Council, and the Councillors shall ex-officio be Members thereof.

(2) The remaining members shall be nominated by Government from time to time. Provided that not less than two-fifths of the persons so nominated shall be non-official persons. that is, persons who, at the time of such nomination, shall not be in the service of Government, and that the seat in Council of any non-official member accepting such service shall be vacated on such acceptance.

Power to make rules for selection of non-official members.

5. The Government of His Highness the Maharaja may, from time to time, frame rules as to the conditions under which all or any of the non-official members of the Legislative Council may be selected.

Period of membership & right of members to be summoned to meeting.

6. Every person nominated as a member of the Council shall continue to be such member for a period of two years, and, during such period, he shall be summoned to all meetings held for the purpose of making Laws and Regulations.

Membership when vacated.

7. (1) It shall be lawful for any member of the Council to resign his office at any time, and, on acceptance of such resignation by the Government of His Highness the Maharaja, such office shall become vacant.

(2) When any member of Council is convicted of any offence involving moral turpitude, or is declared insolvent, or claims to be discharged from liability to pay his debts on the ground of insolvency, his office shall become vacant.

(3) An official member shall vacate his seat on his dismissal or retirement from public service.

Explanation.- The decision of Government as to whether the offence of which a member may be convicted involves moral turpitude is final and shall not be called in question in any Court of Law.

Member not attending three consecutive ordinary meetings vacates seat.

8. If any member shall be unable to attend three consecutive ordinary meetings of the Council, it shall be lawful for Government to declare by Notification in the Official Gazette that the seat in council of such member has become vacant.

Who to preside at meetings in the absence of Dewan.

9. (1) In the absence of the Dewan, the senior Councillor present, or if there be only one Councillor present, such Councillor, shall preside at the meetings of the Council : and the power of making Laws and Regulations vested in the Council shall be exercised only at the meetings of the said Council at which the Dewan or some one of the Councillors and not less than one-half of the whole number of members of Council shall be present.

Quorum.

Casting vote.

(2) In every case of difference of opinion at the meetings of the said Council, whenever there shall be an equality of voices, the Dewan, or in his absence, the Councillor then presiding, shall have two votes or the casting vote.

Dewan to appoint time and place of meetings.

10. It shall be lawful for the Dewan from time to time, to appoint the time and place of meetings of the Council, to adjourn, or, from time to time, to authorise the Councillor presiding, in his absence, to adjourn any meeting from time to time.

Rules for conduct of business at meetings.

11. (1) It shall be lawful for the Legislative Council to make, from time to time, rules for the conduct of business at meetings of the Council, provided that it shall be lawful for Government to disallow all or any or such rules;

(2) The rules contained in the schedule appended hereto shall be and remain in force until they are replaced or ammended by rules framed under sub-section (1) of this section.

Nature of business to be transacted at meetings.

12. No business shall be transacted at any meeting of the Council other than the consideration and passing of measures introduced into such Council for the purpose of being considered and passed; and it shall not be lawful

for any member to make or for the Council to entertain any motion unless such motion shall be for leave to introduce some measure as aforesaid into Council, or have reference to some measure actually introduced therein.

Proviso.

(1) Provided always that it shall not be lawful for any member to introduce, without the previous sanction in writing of the Dewan, any measure

(a) affecting the public revenues of the State or by which any charge would be imposed on such revenues, or

(b) affecting the religion or religious rites and usages of any class of His Highness the Maharaja's subjects

(2) Provided further, that it shall not be lawful for the Council to consider any measure affecting

(a) the reigning family of Mysore,

(b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States,

(c) matters governed by treaties, conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power,

(d) extradition of criminals,

(e) European Vagrants,

(f) European British Subjects,

(g) the Post office, Telegraphs and Railways,

or (h) the Mysore Military forces —

— unless such measure shall have been specially referred by Government to the Council for consideration.

No Law or Regulation valid until it receives the assent of the Maharaja.

13. When any law or regulation has been made by the Council, it shall be submitted to His Highness the Maharaja through the Dewan for assent. No such Law or Regulation shall have validity until it receives the assent of His Highness the Maharaja.

Regulation in matters outside jurisdiction of Council.

14. In the cases mentioned in the 2nd proviso to section 12 of this Regulation, the Government may frame any Regulation required, and every such Regulation, if assented to by His Highness the Maharaja, shall have the force of law.

Emergent Regulations.

15. Notwithstanding anything contained in this Regulation, it shall be lawful for the Government to frame any Regulation, in cases not falling under the 2nd proviso to section 12 of this Regulation, in which legislation is emergently required, and every such Regulation, if assented to by His High

ness the Maharaja, shall have the same force as a Regulation passed through the Council, for the space of six months from its promulgation in the Official Gazette.

No Regulation to be invalid by reason of incompleteness of number of non-official members.

16. No Law or Regulation passed by the Legislative Council under the authority of this Regulation, shall be deemed invaid by reason that the proportion of non-official members hereby provided was not complete at the date of its introduction into or its being passed by the Council.

Schedule.

19/5/1886

S C H E D U L E.

Rules for the conduct of business of the Mysore Legislative Council.

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I. Definition.

1. In these Rules-

"Bill" means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja.

In the computation of "clear days," Sundays and holidays are not included.

II. Summonying and adjournment of Council

2. There shall be three ordinary meetings of the Council during the year, and such meetings shall, as a rule, be held in the third week in March, July and November. The Dewan may also, at his discretion, convene other meetings, which shall be called 'extraordinary meetings.' The times and places of meetings shall be fixed by the Dewan and the Secretary shall notify the same in the Government Gazette and to each Member by letter.

3. When the business before a meeting is concluded, the President shall declare the meeting dissolved. The President may adjourn, without any discussion or vote, any meeting or business, to any future day or to any part of the same day. The Council also may, upon motion made and carried, adjourn any meeting or business.

4, A motion that any meeting or business

be adjourned or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the Council shall adjourn the meeting or business, or the further consideration of the business then under discussion shall be dropped,as the case may be.

5. A motion of the kind referred to in the last preceding rule shall take precedence of any other motion then before the Council, and, if such motion is rejected, no similar motion shall be made until after the lapse of what the President shall deem to be reasonable time, nor by the Memeber by whom the previous motion was made.

6. If, at the time appointed for holding a meeting or adjourned meeting as aforesaid, or if at any time after the commencement of business at such meeting, the quorum required by section 9 of the Regulation(that is to say, the Dewan or some one of the Councillors and one-half of the whole number of members of Council), is not present, the Members present shall, without proceeding to business of any kind, adjourn until again summoned by the Dewan, and the fact shall be noted by the Secretary in the journal of the Council.

III. Course of Business.

7. The Secretary shall send to every member a statement of the business to be transacted at each meeting so as to reach him at least three clear days before the date fixed

for such meeting.

8. No business which is not entered in the statement of business prepared under Rule 7 shall be transacted at any meeting, unless the permission of the Dewan has been obtained previously to the meeting.

9. The President shall have power to regulate shall be transacted, but, ordinarily, the succession of business shall be as described in Rule 10.

10. After the President has taken the chair--

(1). the Secretary shall report to the Council the Regulations which have received the assent of His Highness the Maharaja, under section 13 of the Regulation, and the Bills which have been disallowed since the last meeting;

(2). The Secretary shall report to the Council the petitions and other communications relating to the business of the Council which have been received by him since the last meeting and shall, if required, read such petitions and communications to the Council;

(3). Members desirous of obtaining leave to introduce Bills shall move that such leave be granted;

(4). the Council shall the proceed to dispose of the business left unfinished at the last meeting, if any; and this being done,

(5). the Council shall proceed to deal with the remaining business for the day.

IV. Regulation of Discussions.

IV. Regulation of discussions.

11. The President shall preserve order and shall decide all points of order submitted for his decision by the Members and all questions connected with the interpretation of these Rules. There shall be no discussion on any point of order and the President's decision shall be final.

12. Any member may draw the attention of the President to a violation of order and, while he is doing so, all other members shall remain silent.

13. In discussing questions coming before the Council for consideration, a member shall speak from his place and shall address the President.

14. Members may read their speeches and may also read, as part thereof, passages from books or papers bearing upon the question under discussion.

15. No member shall speak except upon business which is at the time regularly before the Council or, by special permission of the President, in explanation of what he said in a previous debate.

16. Except in discussing amendments, when the Council is settling the several clauses of a Bill, no member other than the mover shall speak more than once upon a question; but the mover shall, if he has spoken to the question when making his motion, be allowed a reply.

ovided that, if the matter before

the Council be an amendment of a Bill, the member in charge of the Bill shall be entitled to speak next after the mover and seconder or the amendment.

17. A member who has spoken upon a motion may speak again upon any amendemnt of that motion. A member may also speak again in order to explain what he has previously said if it has been misunderstood.

18. When for the purpose of explanation or for any other reason, a member has any occasion to ask of another member a question relative to the business before the Council, h he shall ask the question through the President.

19. Every matter which comes before the Council for decision shall be decided in accordance with the majority of votes after (1) motion has been made and seconded and (2) the question has been put by the President.

20. No discussion whatever shall take place after the question has been put by the President.

21. Any member may ask for any papers or information connected with the business before the Council and the President shall determine whether such papers or information can be furnished.

If the President be not the Dewan, and the papers or information called for belong to any Department of the State other than the Legislative Department, the Dewan may veto the decision of the President.

V. Motions Generally.

22. Members who wish to make any motion at any meeting must give notice of their intention at the next preceding meeting, or must send such notice in writing to the Secretary so as to reach him at least six clear days before the day fixed for the meeting at which they intend to make the motion. Provided that the President may, at his discretion, permit a motion to be made of which such notice has not been given.

23. All motions of which notice is given under the preceding Rule shall be entered in the statement of business prepared by the Secretary under Rule 7.

24. No motion shall be taken into consideration by the Council unless it is seconded.

25. A motion of which due notice has been given may, in the absence and at the request of the member by whom notice was given, be made by any other member; but, if not so made, or if a member announces his intention of withdrawing a motion standing in his name, the motion may be made by any other member and if not so made, shall not be put unless the Council otherwise orders.

26. If amendments of any motion are moved, the President, when taking the sense of the Council thereon, shall in his discretion put first to the vote either the original motion or any of the proposed amendments thereof.

27. A purely verbal amendment of a

motion

may be moved at any time during the discussion upon the motion and without previous notice, but no amendment which is substantially the negative of a motion shall be taken into consideration by the Council.

28. A motion shall not be taken into consideration by the Council if it substantially raises a question already disposed of at the meeting or is inconsistent with any resolution already passed thereat.

29. If any motion as made involves several points, the President may, at his discretion, divide it, so that each point may be determined separately.

VI. Introduction of Bills.

30. Any member may move at a meeting of a Council for leave to introduce a Bill in accordance with section 12 of the Regulation; provided that at least six clear days' previous notices of the title and subject of the Bill has been given to the Secretary.

31. If the motion for leave to introduce a Bill be carried, the mover shall send the Bill, together with a full statement of the objects of and the reasons for the proposed measure and any connected papers, to the Secretary, who will forthwith cause the Bill, the statement of objects and reasons and the connected papers to be printed and communicated to each of the members, and will also cause the Bill and the statement of objects and reasons to be published in the Government gazette in English and in Kanarese.

Provided that the publication may be deferred under the orders of the Dewan until the next meeting of the Council, when the publication of such Bill shall be considered.

32. The Dewan may, at his discretion, direct the Secretary to publish any Bill together with a statement of the objects of and r reasons for it, in the Government Gazette in English and in Canarese, although leave to introduce the Bill has not been applied for under Rule 30; and the Secretary shall publish it accordingly and shall send a copy of the Bill and of the statement of the objects and reasons to each of the members. When a Bill has been published under this rule, it shall not be necessary to move under Rule 30 for leave to introduce it.

33. At any time after leave to introduce a Bill has been granted under rule 31 or after publication has been ordered under Rule 32, the member in charge of the Bill may introduce it after giving six clear days' notice to the Secretary; provided that no Bill shall be introduced until fifteen clear days from the date of its publication.

When introducing a Bill, the member in charge of it shall move that the Bill be read in Council. The principle of the Bill and its general provisions may then be discussed, and if the motion be carried, the Council shall then consider the question of referring the Bill to a Select Committee, and if the question be decided in the affirmative, the Council shall appoint the Committee and may further direct that its report shall be submitted within a specified period.

34. At any time during the progress of a Bill the member in charge of it may move for permission to withdraw it, and if such permission id granted, the Bill shall be withdrawn accordingly. The member in charge of a Bill which has been published under Rule 32, but which has not been introduced and read in Council, may withdraw the same without further formality than a mere announcement of the withdrawal to the Council.

VII. Select Committee.

35. Select Committees may be appointed by the Council for any purpose connected with the business of the Council and may sit and submit their reports although the Council is adjourned. The member in charge of a Bill shall always be a member of the Select Committee appointed to consider the Bill.

36. When a Bill has been referred to a Select Committee for consideration, it shall be the duty of the Committee to discuss each clause of the Bill and to recommend to the Council such amendments as seem to it to be advisable.

37. If the Council has fixed a period within which the Select Committee shall submit its report upon a Bill and the Committee is unable for any reason to submit its report within that period, the Dewan may, from time to time, extend the period on the application of the member in charge of the Bill.

38. The report of the Select Committee shall be signed by all the members of the Committee or a majority of them; but any member

of a Select Committee may record his views in a separate minute.

39. The report of the Select Committee appointed to consider a Bill shall contain particulars of the principle amendments proposed and of the reasons for such amendments or it may contain a recommendation that the Bill under consideration be abandoned.

40. The report of the Select Committee, any minutes that may have been recorded by individual members of the Committee, and (if the Bill has been amended) the Bill as amended by the Committee shall be printed and copies thereof furnished to each member of the Council. The report and minutes (if any) and (if the Bill has been amended) the Bill as amended, or such portion thereof as may have been amended, shall also, unless otherwise directed by the Select Committee, be published in the Government Gazette in English and in Canarese.

41. No business shall be transacted at any meeting of the Select Committee unless a majority of the members of the Committee including the member in charge of the Bill is present.

42. The Committee may elect their own Chairman who shall have power to report to the Dewan the name of any member of the Select Committee who neglects or is unable to attend its sittings, and the Dewan may thereupon appoint, out of the members of the Council, an additional member to the Select Committee.

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43. A Select Committee may, for the purpose of obtaining information, invite any person to be present at its sittings.

44. While a Select Committee is sitting to consider a Bill, all communications relating to the Bill which are received by the Secretary shall be referred to it.

VIII. Passing of Bills.

45. When a Bill has been introduced and read in Council under Rule 33 and the Council has decided that it is not necessary to refer it for consideration to a Select Committee, the Council shall not proceed to take the Bill into consideration until the expiration of fifteen clear days from the date on which the Bill was read under Rule 33.

In this case it shall not be necessary to make, on the day on which the Bill comes on for consideration, a formal motion that the Bill be taken into consideration.

46. When a Bill has been referred to a Select Committee under Rule 33, it shall not be taken into consideration by the Council unless copies of the report of the Select Committee and (if the Bill has been amended) of the Bill as amended shall have been sent to each of the members of the Council, at least fifteen clear days beforehand, and in cases in which the Select Committee has not dispensed with publication referred to in Rule 40, until the expiration of twenty-one clear days from the date of such publication. Subject to these conditions, the member in charge of a Bill, when presenting the report of the Select

Committee to the Council, may move either that the Bill and Report be taken into consideration at once or that the consideration of them be postponed to a subsequent meeting.

The discussion upon a motion under this Rule that a Bill be taken into consideration shall not extend to the principle of the Bill.

47. Any member wishing to propose an amendment affecting the substance of a Bill shall send a copy of the proposed amendment to the Secretary in accordance with Rule 22 and the Secretary shall enter the same in the statement of business prepared under Rule 7; but it shall not be necessary to give previous notice of amendments of a purely verbal character or of amendments consequential upon, or moved in respect of, amendments which have been carried.

48. Proposed amendments of Bills shall not be moved until the Bill is actually taken into consideration and, when moved, they shall be considered in the order of the sections to which they relate.

Proposed amendments of Bills shall be governed by Rules 24,25,26,28 and 29 relating to motions.

49. The President may declare that a proposed amendment of a Bill shall not be discussed or put to vote on the ground that it is irrelevant or incomplete or that an amendment identical in substance with it has been previously disposed of by the Council in considering the same Bill.

26

50. When the amendments proposed by the Select Committee (if the Bill has been referred to a Select Committee) and such other amendments as may be proposed by any of the members before the Council have been considered by the Council, the member in charge of the Bill, or in his absence any other member, may move that the Bill as amended be taken up and passed at a subsequent meeting.

At such meeting the Council shall consider the amendments, if any, moved on behalf of the Government, and pass the Bill. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan , be brought up for consideration at this stage.

IX. Final stages of Bills.

51. When a Bill has been passed by the Council, the Secretary shall revise and complete the marginal abstracts and the numbering of the sections thereof and shall forward it to the Dewan for submission to His Highness the Maharaja.

52. The Dewan shall communicate His Highness' assent or dissent to Council by certificate in writing at the foot of the Bill and the Bill with such certificate shall be lodged in the records of the Council.

53. No member shall make any motion upon or otherwise bring under the consideration of the Council the exercise by His Highness of the prerogative of withholding assent to a Bill.

54. When a Bill has received the assent of His Highness the Maharaja under section 13 of the Regulation, it shall be published in the Government Gazette in English and in Canarese. Such publication shall be deemed to be the publication referred to in section 13 of the Regulation.

X. Rules relating to Petitions.

55. Petitions to the Council must--

(1). relate to some matter actually under the consideration of the Council;

(2). be superscribed "to the Legislative Council;"

(3). be dated and signed by the Petitioner or Petitioners;

(4). be in respectful and temperate language; and

(5). conclude with a distinct prayer.

56. If a petition is not in conformity with Rule 55, or if the Secretary sees reason to doubt the authenticity of any signature appended thereto, he shall certify the same on the back of the petition and report the fact to the Council. The Council may thereupon reject the petition, which shall then be returned to the Petitioner or Petitioners with a statement of the reason for such rejection.

57. If the petition is in conformity with Rule 55, the Secretary shall, if necessary, make an abstract of it and bring the petition under consideration by reading it or the abstract before the Council, which shall deal with the petition in such manner as it may deem proper.

XI. Admittance of strangers.

58. Persons desirous of admission into the Council Chamber during the sitting of Council shall make application to the Secretary who will take the orders of the President thereon.

59. The President may, at any time during the sitting of the Council, direct that all strangers withdraw.

60. If a Bill which peculiarly affects private interests be under the consideration of the Council or of a Select Committee thereof and if any person whose interests are so affected apply to the Council or the Select Committee for permission to be heard, either personally or by Counsel, on the subject of the Bill, the Council or the Select Committee may, upon the motion of any member, direct that the petitioner or his counsel be heard at the meeting at which the motion is made or at and on some future specified time and day; and if the petitioner or his counsel is not present at the said meeting or does not appear at and on the said time and day, as the case may be, the permission granted by the Council or Select Committee shall be deemed to have lapsed.

61. Except as provided in Rules 43 and 60, no stranger shall be permitted to address the Council or any Select Committee.

62. Any member may move that the hearing of any person who has been permitted under Rule 60 to address the Council or a Select Committee shall cease, if such person is irrelevant

29

irrelevant or unduly prolix, or for any other sufficient reason.

XII. Duties of the Secretary.

63. The Secretary shall be bound to perform the following duties in addition to those specified in the preceding Rules:-

(1). to take charge of the records of the Council;

(2). to keep the presribed books;

(3). to attend all meetings and to take minutes of the proceedings;

(4). to superintend the printing of all papers ordered to be printed;

(5). to note in Bills the amendments ordered by the Council and to scrutinise all Bills and Regulations in view to preventing typographical errors;

(6). to prepare and revise the marginal abstracts of Bills and Regulations and the headings and arrangement of the chapters and the numbering of the sections thereof;

(7). to carry on correspondence under the orders of the Council;

(8). to help when required to do so, in the framing of Bills;

(9). to generally assist the Council.

XIII. Books and records.

64. A journal shall be kept containing a brief abstract of the proceedings of the Council. This journal shall be submitted as soon as possible after each meeting to the President for his confirmation and signature.

A copy of such abstract shall also

be published in the Government Gazette in English and in Canarese, as soon as may be, after the conclusion of each meeting.

65. A register and index of all letters and petitions addressed to, or despatched under the orders of, the Council shall be maintained.

XIV. General.

66. The Council may, on a motion and at any time, suspend the operation of any of the foregoing rules.

67. Any Bill respecting which no motion has been made in the Council for the space of two years may, by order of the President, be removed from the list of business and the fact of such removal shall be announced by the President to the Council.

68. The Dewan or the member in charge of a Bill may entrust it to any other member and the member to whom it is so entrusted shall be the member in charge of the Bill for the purposes of these Rules.

69. Any member may apply to the Secretary for any papers or information connected with the business before the Council, and the Dewan shall determine whether such papers or information can be furnished.

12/5/1881

Statement of Objects and Reasons.

His Highness the Maharaja considers that the time has arrived for associating with his Government, in the task of legislation, a certain number of official and non-official gentlemen qualified, by practical experience and knowledge of local conditions and requirements, to give important and valuable assistance in the making of laws and regulations. The requirements of a progressive administration necessitate the passing of new laws and the amendment of existing ones, from time to time; but the work has been found by experience to be such as cannot quite satisfactorily be done by the existing agency, namely the Council of His Highness the Maharaja. In these circumstances, it is considered desirable to enlarge the Council, so far as legislation is concerned, by the admission into it of official and non-official elements so as to secure to measures proposed the benefit of discussion

by a large number of qualified men and from varied standpoints in a Legislative Council. The introduction of any such institution is not, it should be understood, intended in any way to affect or diminish the responsibility which, in legislation as in all other matters connected with the administration of the State, rests ultimately with His Highness himself; but solely to enable him and his Government to ascertain correctly the needs, wishes and feelings of the people, and to ensure that the laws enacted by him as the ruler of the State are in all respects well adapted to serve the ends in view. The publicity under which the discussions will ordinarily be carried on, and the facility afforded for the detailed consideration of every measure in a select committee, which is one of the features of a regularly constituted Legislative Council, are additional reasons for anticipating much practical good from such an institution.

FIRST PROOF.

Read by .....

Dated .....

33

His Highness the Maharaja has therefore been pleased to direct the preparation of the accompanying Draft of a Regulation to establish a Council for making Laws and Regulations in Mysore.

Notes on Clauses.

Clause 2.-- The definitions herein are intended chiefly to distinguish between the existing Councillors of State and the Members of the new Legislative Council.

Clauses 3,4,5 & 6.

The Council will consist of the Dewan as President, the two Councillors as ex-officio Members, and not less than ten or more than fifteen additional Members, to be nominated by Government and holding office for a period of two years at a time. Not less than two-fifths of such additional members will be non-officials, and provision has been made for defining the conditions under which all or any of the non-official members are to be selected prior to nomination by Government.

To give a general idea of what is proposed to be done, it may be stated that, taking ten as the total number of additional members, the minimum number of non-officials will be four, of whom, say, two may be selected on the recommendation of the Representative Assembly, and the others directly chosen by Government from among men qualified by intelligence and experience to render material assistance in legislation. The other six additional members will be officials, consisting, say, of one or two heads of Departments, one or two Secretaries to Government, the Government Advocate, and one Deputy Commissioner or more. This enumeration is meant merely by way of illustration, and is liable to alteration.

Clauses 7 & 8.

These set out the various ways in which membership is liable to cease.

Clause 11.

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Clause 11.

While it is the function of the Council itself to make such rules as it may, from time to time, find necessary to regulate the conduct of its business, it is thought convenient to set out a few rules on the subject in a schedule to the Regulation, both as an example of what such rules are intended to provide for, and as likely to be sufficient in themselves for all practical purposes in the early days of a new Council, till it feels the necessity for adding to or altering them. The right of disallowing all or any of the rules made by the Council is reserved to the Government; but will, of course, only be exercised in the rare cases in which a rule made is likely to be prejudicial to the efficient, harmonious or speedy transaction of business.

Clauses 12,13,14 & 15.

The business to be transacted at meetings will be confined to the "consideration and passing" of measures

36

introduced therein. The "enactment" of every measure rests with His Highness the Maharaja, and is constituted by the act of according his assent thereto. The provisos to Clause 12 specify, respectively, the measures which may not be introduced by any member without previous sanction of the Dewan, and those which shall not be considered at all in Council, unless specially referred to it for the purpose of "consideration." In the latter class of cases, any law required will be framed by the Government (after a reference to the Council, if so desired, for consideration) and submitted to His Highness the Maharaja for assent.

Special provision is made in clause 15 for the passing of measures which, while not outside the jurisdiction of the Legislative Council, are yet so emergently required that the regular course of introduction, consideration and passing thereof in the Council is likely to entail serious delay or is otherwise

inexpedient. Such regulations, however, are not intended to be operative for more than six months; their further extension beyond that period being a matter dependent on the measures being formally placed before the Council in the regular course.

12/5/1926

Confidential

3-38

BANGALORE.

3rd August 1906.

Dear Mr. Krishna Rao

I have kept back the Mysore Government's letter of 17th June on the subject of a Draft Regulation to establish a Legislative Council in this State for personal discussion with you.

As I have explained [illegible], a Legislative Council is not, in my opinion, necessary for Mysore for the reason given by Sir Sheshadri Iyer, viz., that the Legislative work to be done is little and the laws which are passed are framed mainly on the lines of those enacted by the British Indian Legislature. But the formation of such a body on the model now proposed by the Durbar will doubtless be welcomed by the people generally as a progressive measure, and I am prepared to recommend it to the Government of India, if conditions can be framed (1) to safeguard the existing system of control by the Government of India over Legislation in Mysore (ii) to prevent the danger of the Council hereafter usurping functions which may embarrass both the Durbar and the Government of India.

Under the present system the Government of India expect the Durbar to consult the Resident as soon as legislation has been resolved upon and before the intention has been notified in the Gazette, not only in cases falling under Article 19 of the Instrument

Instrument of Transfer, but also in all cases of doubt, delicacy and importance, and under one or other of these heads practically every project for legislation is found to be included.
The object of this practice is not only to secure to the Durbar the Resident's advice, but to safeguard them against the embarrassment which would be caused in the event of the Government of India finding themselves, for special reasons, constrained to withhold their assent to any openly acknowledged scheme. The possible embarrassment here referred to would, it is obvious, be intensified if the bill which was subsequently withdrawn had been publicly introduced in the Legislative Council. It seems therefore necessary to alter Rule 30, and to provide in the Regulation itself that no measure of any description shall be introduced by any member without the previous sanction in writing of the Dewan.
Such sanction would not be given until the Resident had been consulted.

The second point to which I would invite your consideration is this. General experience, not excepting that afforded by the history of the Representative Assembly in Mysore, proves that the tendency of all such popular bodies is to seek larger powers than those originally contemplated for them by their founders, and statesmanship requires recognition of the fact that the proposed Legislative Council will prove no exception to the rule

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and consideration of the possible margin which can be provided for its activities.

This is the more necessary because in Mysore, more probably than in any other Native State, a democratic spirit is being fanned by the newspapers, which encourage the people to claim whatever they see granted in British India, and it is possible that more disappointment than satisfaction will be caused when it is found that the Legislative Council here will not have the privilege allowed to members of similar bodies in British India of discussing the annual financial statement or asking questions to elicit information from Government on public matters. Their functions being mainly confined to passing measures on the lines of British Indian laws, the members may seek an outlet for their energies in criticising the exercise by the Government of India of their control over Mysore legislation.
To this, it is certain that objection would be made by the Supreme Government and to prevent such a contingency it would seem advisable to omit the 2nd proviso to section 12 of the Draft Regulation which empowers the Durbar to refer to the Council for consideration a class of cases, which all involve imperial relations.

A similar risk would arise in another way. Suppose that after consulting the Resident, the Durbar permit a member to introduce a measure, but that on reference to the Government of India they latter require certain alterations to be made or provisions to be omitted, as has recently occurred in the case of

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the Regulation to amend the Mining law. It is quite possible that there might be objections to discussing publicly the considerations which led the Government of India to frame their instructions, but would ~~it~~ it be fair to a Legislative Council to withhold from them an explanation of the reasons which have led to the rejection of their proposals ? They might well chafe at such restrictions on their functions, and say that the conditions under which Mysore can legislate left insufficient room for the co-operation of non-official Councillors. Probably your experience in Travancore will enable you to say how far there is a risk of such irritation being aroused, but we have to look to the future as well as the present, and in view of the strong democratic current which is moving a Native State like Mysore as well as British India, I would caution His Highness the Maharajah's Government against creating what, without sufficient safeguards, may prove a source of difficulty rather than an assistance to the administration.

The measure is one which will have to be referred to the Government of India under Article 20 of the Instrument of Transfer, and it should not be published in the Mysore Gazette until their consent has been obtained.

I attach a Note on a few points of detail in the Regulation which may be worth consideration.

Yours sincerely

V.P.Madhava Rao Esq.,C.I.E.,
Dewan of Mysore.

Enclosure 3/a 4a

Memorandum on the draft Mysore Legislative Council Regulation and the rules proposed to be issued thereunder.

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DRAFT REGULATION.

1. Clause 5. The words "for nomination" may be inserted at the end of this clause so as to make it complete and the meaning clear.

DRAFT RULES.

2. Rule 2. It seems hardly necessary to prescribe, as is done in this Rule, that there shall be three ordinary meetings of the Council during the year. The number of meetings may be regulated according to the volume of work before the Council and there is no apparent reason for having two classes of meetings, ordinary and extra-ordinary. It will perhaps be sufficient to law down, as is done in Madras rules on the subject, that the times and places of meetings shall be fixed by the Dewan, and the Secretary shall notify the same in the official Gazette and to each member by letter.

The words "official Gazette" should be substituted for the expression "Government Gazette" wherever the latter appears in the rules- vide clause 8 of the draft Regulation.

3. Rule 54. The second sentence or this rule follows the wording of the Travancore rules on the subject, but clause 13 of the Mysore Regulation does not (as the Travancore Regulation does) require previous publication in the Gazette. The sentence may therefore be omitted.

(43) 81 to 4

PÂTAN BHAVAN,
BANGALORE.

9th August 1906.

Dear Mr. Rees,

Your D.O. of the 3rd August 1906, in regard to the Draft Legislative Regulation.

The Durbar quite admit the force of your remarks regarding the framing of conditions (1) to safeguard the existing system of control by the Government of India over legislation in Mysore, and (2) to prevent the danger of the Council hereafter usurping functions which may embarrass both the Durbar and the Government of India. And, as will be seen later, the Draft Regulation is proposed to be amended in certain respects in order to secure the above conditions fully.

Even as it stands, the Bill in my opinion provides ample safeguards for the due observance of the conditions referred to, as will be seen from the practice in Travancore. There every Bill introduced into the Legislative Council has to be sent to the Madras Government at two stages: (1) as soon as it is introduced, and (2) after the Council have on the Select Committee's Report discussed the provisions and adopted necessary amendments. The final passing of the Bill

is deferred until the reply of the Madras Government is received. As a rule any remarks or criticisms the Madras Government may have to make are made when the Bill goes up to them in the first stage. The points suggested are considered by the Select Committee or the Council as if they emanated from the member in charge of the Bill and the mention of the Madras Government is avoided in the discussions. The suggestions made by the British Government at the preliminary stage are freely discussed, ~~and~~ as a rule most of them are adopted. When the Bill is sent up at the second stage, suggestions are rarely made but when any are made, they are put forward in the Council as amendments either by the Member in charge of the Bill or some official Member. All the members, official and non-official, understand that ~~these~~ the suggestions are in the nature of a mandate, and the amendments are adopted as a matter of course. The rules and Regulations avoid all reference to the British Government ~~and~~ but the understanding is that the suggestions of the British Government are to be accepted at the final stage without discussion. Rule 50 (corresponding to the rule similarly numbered in the present Draft Regulation) is intended to meet the contingency referred to above.

The amendments now proposed in order to make the position as clear as possible are as follows:-

(i) The following to be inserted as sub-section (1) of Section 12:

"(1) No measure of any description shall be introduced into the Council without the previous sanction in writing of the Dewan, and the leave of the Council obtained in accordance with rules framed under section 11."

Measures not to be introduced without Dewan's sanction.

(ii) The first proviso of section 12 to be omitted, as the direction therein contained for the Dewan's sanction being obtained in particular cases will be rendered unnecessary by the general direction in the new sub-section (1).

(iii) In the second proviso to the above section the words "unless such measure shall have been specially referred by Government to the Council for consideration" will be omitted.

It is necessary to retain the rest of the proviso in order both to make it clear that the class of cases therein enumerated are excluded from the jurisdiction of the Council, and

also to enable Government to frame the necessary Regulations in such cases by means of the power reserved by section 14. Both sections 14 and 15 assume the retention of the proviso in question.

(iv) The condition in regard to obtaining the Dewan's sanction has been embodied in Rules 10(3) and 30.

(v) To Rule 53, words have been added making it clear that the prohibition of discussions in Council in regard to the exercise of His Highness' prerogative extends also to cases in which His Highness sanctions a Bill with any alterations he thinks fit. This would cover cases in which alterations are suggested by the Government of India and accepted by the Durbar.

(vi) The modifications on points of detail suggested in the note appended to your letter have been accepted.

I send herewith two copies of the Draft Regulation, embodying the above amendments in red ink.

Regulation No. I of 1907
(Passed on the 6th day of March 1907)

~~DRAFT~~

~~OF~~ A REGULATION TO ESTABLISH A LEGISLATIVE COUNCIL IN MYSORE.

WHEREAS it is expedient to establish a Council for making Laws and Regulations in Mysore; Preamble. His Highness the Maharaja is pleased to enact as follows :—

1. (1) This Regulation may be called the Mysore Legislative Council Regulation, 190 Short title.

(2) It shall come into force on the expiry of three months from the date of its first publication in the official Gazette. Commencement.

2. In this Regulation, unless there be something repugnant in the subject or context :— Interpretation clause.

(1) "Councillor" means a Member of the Council of His Highness the Maharaja appointed to assist in the carrying on of the Government of the State.

(2) "Legislative Council" or "Council" means the Council for making Laws and Regulations appointed under section 3.

(3) "Member" means a member of the Legislative Council.

3. For the purpose of making Laws and Regulations, there shall be a Council to be called the Legislative Council, consisting of a President, two *ex officio* members and such number of additional members not less than ten or more than fifteen as may be fixed by the Government of His Highness the Maharaja from time to time. Constitution of Legislative Council.

4 (1) The Dewan shall, *ex officio*, be the President of the Legislative Council, and the Councillors shall *ex officio* be Members thereof. President and Members.

(2) The remaining members shall be nominated by Government from time to time. Provided that not less than two-fifths of the persons so nominated shall be non-official persons, that is, person who, at the time of such nomination, shall not be in the service of Government and that the seat in Council of any non-official member accepting such service shall be vacated on such acceptance.

Power to make rules for selection of non-official members.

5. The Government of His Highness the Maharaja may, from time to time, frame rules as to the conditions under which all or any of the non-official members of the Legislative Council may be selected for nomination.

Period of membership and right of members to be summoned to meeting.

6. Every person nominated as a member of the Council shall continue to be such member for a period of two years, and, during such period, he shall be summoned to all meetings held for the purpose of making Laws and Regulations.

Membership when vacated.

7. (1) It shall be lawful for any member of the Council to resign his office at any time, and, on acceptance of such resignation by the Government of His Highness the Maharaja, such office shall become vacant.

(2) When any member of Council is convicted of any offence involving moral turpitude, or is declared insolvent or claims to be discharged from liability to pay his debts on the ground of insolvency, his office shall become vacant.

(3) An official member shall vacate his seat on his dismissal or retirement from public service.

Explanation.—The decision of Government as to whether the offence of which a member may be convicted involves moral turpitude is final, and shall not be called in question in any Court of Law.

8. If any member shall be unable to attend three consecutive ordinary meetings of the Council, it shall be lawful for Government to declare by notification in the official Gazette that the seat in Council of such member has become vacant.

Member not attending three consecutive ordinary meetings vacates seat.

9. (1) In the absence of the Dewan, the senior Councillor present, or if there be only one Councillor present, such Councillor, shall preside at the meetings of the Council: and the power of making Laws and Regulations vested in the Council shall be exercised only at the meetings of the said Council at which the Dewan or some one of the Councillors and not less than one-half of the whole number of members of Council shall be present.

Who to preside at meetings in the absence of Dewan.

Quorum.

(2) In every case of difference of opinion at the meetings of the said Council, whenever there shall be an equality of voices, the Dewan, or in his absence, the Councillor then presiding, shall have two votes or the casting vote.

Casting vote.

10. It shall be lawful for the Dewan, from time to time, to appoint the time and place of meetings of the Council, to adjourn, or, from time to time, to authorise the Councillor presiding, in his absence, to adjourn any meeting from time to time.

Dewan to appoint time and place of meetings.

11. (1) It shall be lawful for the Legislative Council to make, from time to time, rules for the conduct of business at meetings of the Council, provided that it shall be lawful for Government to disallow all or any of such rules.

Rules for conduct of business at meetings.

(2) The rules contained in the schedule appended hereto shall be and remain in force until they are replaced or am-

ended by rules framed under sub-section (1) of this section.

~~12~~ (2) No business shall be transacted at any meeting of the Council other than the consideration and passing of measures introduced into such Council for the purpose of being considered and passed; and it shall not be lawful for any member to make or for the Council to entertain any motion unless such motion shall be for leave to introduce some measure as aforesaid into Council, or have reference to some measure actually introduced therein.

Nature of business to be transacted at meetings.

~~(1) Provided always that it shall not be lawful for any member to introduce, without the previous sanction in writing of the Dewan, any measure—~~

Proviso.

~~(a) affecting the public revenues of the State or by which any charge would be imposed on such revenues, or~~

~~(b) affecting the religion or religious rites and usages of any class of His Highness the Maharaja's subjects.~~

~~(2)~~ Provided ~~further~~, that it shall not be lawful for the Council to consider any measure affecting—

(a) the ~~reigning~~ family of Mysore,

(b) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States,

(c) matters governed by treaties, conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power,

(d) extradition of criminals,

(e) European Vagrants.

(f) European British Subjects,

(g) the Post office, Telegraphs and Railways, or

(h) the Mysore Military forces ~~by~~ or ~~unless such measure shall have been specially referred by Government to the Council for consideration.~~

(i) such other matters as may from time to time be specially referred by His Highness the Maharaja for consideration by the Government.

12 (1) No measure of any description shall be introduced into the Council without the previous sanction in writing of the Dewan, and the leave of the Council obtained in accordance with Rule framed under Section 11.

Measures not to be introduced without Dewan's sanction.

5

13. When any Law or Regulation has been made by the Council, it shall be submitted to His Highness the Maharaja through the Dewan for assent. No such Law or Regulation shall have validity until it receives the assent of His Highness the Maharaja.

No Law or Regulation valid until it receives the assent of the Maharaja.

14. In the cases mentioned in the ~~second~~ proviso to section 12 of this Regulation, the Government may frame any Regulation required, and every such Regulation, if assented to by His Highness the Maharaja, shall have the force of law.

Regulations in matters outside jurisdiction of Council.

15. Notwithstanding anything contained in this Regulation, it shall be lawful for the Government to frame any Regulation, in cases not falling under the ~~second~~ proviso to section 12 of this Regulation, in which legislation is emergently required, and every such Regulation, if assented to by His Highness the Maharaja, shall have the same force as a Regulation passed through the Council, for the space of six months from its promulgation in the official Gazette.

Emergent Regulations.

16. No Law or Regulation passed by the Legislative Council under the authority of this Regulation shall be deemed invalid by reason that the proportion of non-official members hereby provided was not complete at the date of its introduction into or its being passed by the Council.

No Regulation to be invalid by reason of incompleteness of number of non-official members.

V. P. Madhava Rao
Dewan of Mysore

[SCHEDULE.]

SCHEDULE.

Rules for the conduct of business of the Mysore Legislative Council.

I. Definitions.

1. In these Rules—

"Bill" means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja.

In the computation of "Clear days," Sundays and holidays are not included.

II. Summoning and Adjournment of Council.

2. ~~There shall be three ordinary meetings of the Council during the year, and such meetings shall, as a rule, be held in the third week in March, July and November. The Dewan may also, at his discretion, convene other meetings, which shall be called "extraordinary meetings."~~ The times and places of meetings shall be fixed by the Dewan, and the Secretary shall notify the same in the ~~Government~~ Office Gazette and to each Member by letter.

3. When the business before a meeting is concluded, the President shall declare the meeting dissolved. The President may adjourn, without any discussion or vote, any meeting or business, to any future day or to any part of the same day. The Council also may, upon motion made and carried, adjourn any meeting or business.

4. A motion that any meeting or business be adjourned or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the Council shall adjourn the meeting or business, or the further consideration of the business then under discussion shall be dropped, as the case may be.

A motion of the kind referred to in the last preceding rule shall take precedence of any other motion then before the Council, and, if such motion is rejected, no similar motion shall be made until after the lapse of what the President shall deem to be a reasonable time, nor by the Member by whom the previous motion was made.

6. If, at the time appointed for holding a meeting or adjourned meeting as aforesaid, or if at any time after the commencement of business at such meeting, the quorum required by section 9 of the Regulation (that is to say, the Dewan or some one of the councillors and one-half of the whole number of members of Council), is not present, the members present shall, without proceeding to business of any kind, adjourn until again summoned by the Dewan, and the fact shall be noted by the Secretary in the journal of the Council.

III. Course of Business.

7. The Secretary shall send to every member a statement of the business to be transacted at each meeting so as to reach him at least three clear days before the date fixed for such meeting.

8. No business which is not entered in the statement of business prepared under rule 7 shall be transacted at any meeting, unless the permission of the Dewan has been obtained previously to the meeting.

9. The President shall have power to regulate the order in which business is transacted, but, ordinarily, the succession of business shall be as described in Rule 10.

10. After the President has taken the chair.—

(1) the Secretary shall report to the Council the Regulations which have received the assent of His Highness the Maharaja, under section 13 of the Regulation, and the Bills which have been disallowed since the last meeting;

(2) the Secretary shall report to the Council the petitions and other communications relating to the business of the Council which have been received by him since the last meeting and shall, if required, read such petitions and communications to the Council;

(3) Members desirous of obtaining leave to introduce Bills shall move that such leave be granted;

(4) the Council shall then proceed to dispose of the business left unfinished at the last meeting, if any; and this being done,

(5) the Council shall proceed to deal with the remaining business for the day.

IV. Regulation of Discussions.

11. The President shall preserve order and shall decide all points of order submitted for his decision by the members and all questions connected with the interpretation of these rules. There shall be no discussion on any point of order and the President's decision shall be final.

12. Any member may draw the attention of the President to a violation of order and, while he is doing so, all other members shall remain silent.

13. In discussing questions coming before the Council for consideration, a member shall speak from his place and shall address the President.

14. Members may read their speeches and may also read, as part thereof, passages from books or papers bearing upon the question under discussion.

15. No member shall speak except upon business which is at the time regularly before the Council or, by special permission of the President, in explanation of what he said in a previous debate.

16. Except in discussing amendments, when the Council is settling the several clauses of a Bill, no member other than the mover shall speak more than once upon a question; but the mover shall, if he has spoken to the question when making his motion, be allowed a reply.

Provided that, if the matter before the Council be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak next after the mover and seconder of the amendment.

17. A member who has spoken upon a motion may speak again upon any amendment of that motion. A member may also speak again in order to explain what he has previously said if it has been misunderstood.

B.L.N.

18. When for the purpose of explanation or for any other reason, a member has any occasion to ask of another member a question relative to the business before the Council, he shall ask the question through the President.

19. Every matter which comes before the Council for decision shall be decided in accordance with the majorty of votes after (1) motion has been made and seconded and (2) the question has been put by the President.

20. No discussion whatever shall take place after the question has been put by the President.

21. Any member may ask for any papers or information connected with the business before the Council, and the President shall determine whether such papers or information can be furnished.

If the President be not the Dewan, and the papers or information called for belong to any Department of the State other than the Legislative Department, the Dewan may veto the decision of the President.

V. Motions Generally.

22. Members who wish to make any motion at any meeting must give notice of their intention at the next preceding meeting, or must send such notice in writing to the Secretary so as to reach him at least six clear days before the day fixed for the meeting at which they intend to make the motion. Provided that the President may, at his discretion, permit a motion to be made of which such notice has not been given.

23. All motions of which notice is given under the preceding rule shall be entered in the statement of business prepared by the Secretary under Rule 7.

24. No motion shall be taken into consideration by the Council unless it is seconded.

25. A motion of which due notice has been given may, in the absence and at the request of the member by whom notice was given, be made by any other member; but, if not so made, or if a member announces his intention of withdrawing a motion standing in his name, the motion may be made by any other member, and, if not so made, shall not be put unless the Council otherwise orders.

26. If amendments of any motion are moved, the President, when taking the sense of the Council thereon, shall in his discretion put first to the vote either the original motion or any of the proposed amendments thereof.

27. A purely verbal amendment of a motion may be moved at any time during the discussion upon the motion and without previous notice, but no amendment which is substantially the negative of a motion shall be taken into consideration by the Council.

28. A motion shall not be taken into consideration by the Council if it substantially raises a question already disposed of at the meeting or is inconsistent with any resolution already passed thereat.

29. If any motion, as made, involves several points, the President may, at his discretion, divide it, so that each point may be determined separately.

Who may have access to the Secretariat in connection with the business of the Council

VI. Introduction of Bills.

30. Any member may move at a meeting of the Council for leave to introduce the Bill in accordance with section 12 of the Regulation; provided that at least six clear days' previous notice of the title and subject of the Bill has been given to the Secretary.

31. If the motion for leave to introduce a Bill be carried, the mover shall send the Bill, together with a full statement of the objects of and reasons for the proposed measure and any connected papers, to the Secretary, who will forthwith cause the Bill, the statement of objects and reasons and the connected papers to be printed and communicated to each of the members, and will also cause the Bill and the statement of objects and reasons to be published in the ~~Government~~ Official Gazette in English and in Kanarese.

Provided that the publication may be deferred under the orders of the Dewan until the next meeting of the Council, when the publication of such Bill shall be considered.

32. The Dewan may, at his discretion, direct the Secretary to publish any Bill together with a statement of the objects of and reasons for it, in the ~~Government~~ Official Gazette in English and in Kanarese, although leave to introduce the Bill has not been applied for under Rule 30; and the Secretary shall publish it accordingly and shall send a copy of the Bill and of the statement of the objects and reasons to each of the members. When a Bill has been published under this rule, it shall not be necessary to move under Rule 30 for leave to introduce it.

33. At any time after leave to introduce a Bill has been granted under rule 31 or after publication has been ordered under Rule 32, the member in charge of the Bill may introduce it after giving six clear days' notice to the Secretary; provided that no Bill shall be introduced until fifteen clear days from the date of its publication.

When introducing a Bill, the member in charge of it shall move that the Bill be read in Council. The principle of the Bill and its general provisions may then be discussed, and, if the motion be carried, the Council shall then consider the question of referring the Bill to a Select Committee, and, if the question be decided in the affirmative, the Council shall appoint the Committee and may further direct that its report shall be submitted within a special period.

34. At any time during the progress of a Bill the member in charge of it may move for permission to withdraw it, and, if such permission is granted, the Bill shall be withdrawn accordingly. The member in charge of a Bill which has been published under Rule 32, but which has not been introduced and read in Council, may withdraw the same without further formality than a mere announcement of the withdrawal to the Council.

VII. Select Committee.

35. Select Committees may be appointed by the Council for any purpose connected with the business of the Council and may sit and submit their reports although the Council is adjourned. The member in charge of a Bill shall always be a member of the Select Committee appointed to consider the Bill.

36. When a Bill has been referred to a Select Committee for consideration, it shall be the duty of the Committee to discuss each clause

of the Bill and to recommend to the Council such amendments as seem to it to be advisable.

37. If the Council has fixed a period within which the Select Committee shall submit its report upon a Bill and the Committee is unable for any reason to submit its report within that period, the Dewan may, from time to time, extend the period on the application of the member in charge of the Bill.

38. The report of the Select Committee shall be signed by all the members of the Committee or a majority of them; but any member of a Select Committee may record his views in a separate minute.

39. The report of the Select Committee appointed to consider a Bill shall contain particulars of the principal amendments proposed and of the reasons for such amendments, or it may contain a recommendation that the Bill under consideration be abandoned.

40. The report of the Select Committee, any minutes that may have been recorded by individual members of the Committee, and (if the Bill has been amended) the Bill as amended by the Committee shall be printed and copies furnished to each member of the Council. The report and minutes (if any) and (if the Bill has been amended) the Bill as amended, or such portion thereof as may have been amended, shall also, unless otherwise directed by the Select Committee, be published in the Government Gazette in English and Kanarese.

41. No business shall be transacted at any sitting of the Select Committee unless a majority of the members of the Committee including the member in charge of the Bill is present.

42. The Committee may elect their own Chairman, who shall have power to report to the Dewan the name of any member of the Select Committee who neglects or is unable to attend its sittings, and the Dewan may thereupon appoint, out of the members of the Council, an additional member to the Select Committee.

43. A Select Committee may, for the purpose of obtaining information, invite any person to be present at its sittings.

44. While a Select Committee is sitting to consider a Bill, all communications relating to the Bill which are received by the Secretary shall be referred to it.

VIII. Passing of Bills.

45. When a Bill has been introduced and read in Council under Rule 33 and the Council has decided that it is not necessary to refer it for consideration to a Select Committee, the Council shall not proceed to take the Bill into consideration until the expiration of fifteen clear days from the date on which the Bill was read under Rule 33.

In this case it shall not be necessary to make, on the day on which the Bill comes on for consideration, a formal motion that the Bill be taken into consideration.

46. When a Bill has been referred to a Select Committee under Rule 33, it shall not be taken into consideration by the Council unless copies of the report of the Select Committee and (if the Bill has been amended) of the Bill as amended shall have been sent to each of the members of the Council, at least fifteen clear days beforehand, and, in cases in which the Select Committee has not dispensed with

publication referred to in Rule 40. until the expiration of twenty-one clear days from the date of such publication. Subject to these conditions, the member in charge of a Bill, when presenting the report of the Select Committee to the Council, may move either that the Bill and Report be taken into consideration at once or that the consideration of them be postponed to a subsequent meeting.

The discussion upon a motion under this Rule that a Bill be taken into consideration shall not extend to the principle of the Bill.

47. Any member wishing to propose an amendment affecting the substance of a Bill shall send a copy of the proposed amendment to the Secretary in accordance with Rule 22, and the Secretary shall enter the same in the statement of business prepared under Rule 7; but it shall not be necessary to give previous notice of amendments of a purely verbal character or of amendments consequential upon, or moved in respect of, amendments which have been carried.

48. Proposed amendments of Bills shall not be moved until the Bill is actually taken into consideration and, when moved, they shall be considered in the order of the sections to which they relate.

Proposed amendments of Bills shall be governed by Rules 24, 25, 26, 28 and 29 relating to motions.

49. The President may declare that a proposed amendment of a Bill shall not be discussed or put into the vote on the ground that it is irrelevant or incomplete or that an amendment identical in substance with it has been previously disposed of by the Council in considering the same Bill.

50. When the amendments proposed by the Select Committee (if the Bill has been referred to a Select Committee), and such other amendments as may be proposed by any of the members before the Council, have been considered by the Council, the member in charge of the Bill, or in his absence any other member, may move that the Bill as amended be taken up and passed at a subsequent meeting.

At such meeting the Council shall consider the amendments, if any, moved on behalf of Government, and pass the Bill. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage.

IX. Final Stages of Bills.

51. When a Bill has been passed by the Council, the Secretary shall revise and complete the marginal abstracts and the numbering of the sections thereof and shall forward it to the Dewan for submission to His Highness the Maharaja.

52. The Dewan shall communicate His Highness' assent or dissent to Council by certificate in writing at the foot of the Bill and the Bill with such certificate shall be lodged in the records of the Council.

53. No member shall make any motion upon, or otherwise bring under the consideration of the Council, the exercise by His Highness of the prerogative of withholding assent to a Bill, or of according sanction to a Bill which has been withheld by His Highness, and considered by the Council.

54. When a Bill has received the assent of His Highness the Maharaja under section 13 of the Regulation, it shall be published in

the Official Government Gazette in English and in Kanarese. ~~Such publication shall be deemed to be the publication~~ referred to in section 13 of the ~~Regulations~~

X. Rules relating to Petitions.

55. Petitions to the Council must—

1. relate to some matter actually under the consideration of the Council;
2. be superscribed "to the Legislative Council;"
3. be dated and signed by the Petitioner or Petitioners;
4. be in respectful and temperate Language; and
5. conclude with a distinct prayer.

56. If a petition is not in conformity with Rule 55, or if the Secretary sees reason to doubt the authenticity of any signature appended thereto, he shall certify the same on the back of the petition and report the fact to the Council. The Council may thereupon reject the petition, which shall then be returned to the petitioner or petitioners with a statement of the reason for such rejection.

57. If the petition is in conformity with Rule 55, the Secretary shall, if necessary, make an abstract of it and bring the petition under consideration by reading it or the abstract before the Council, which shall deal with the petition in such manner as it may deem proper.

XI. Admittance of Strangers.

58. Persons desirous of admission into the Council Chamber during the sittings of Council shall make application to the Secretary who will take the orders of the President thereon.

59. The President may, at any time during the sitting of the Council, direct that all strangers withdraw.

60. If a Bill which peculiarly affects private interests be under the consideration of the Council or of a Select Committee thereof and if any person whose interests are so affected apply to the Council or Select Committee for permission to be heard, either personally or by Counsel, on the subject of the Bill, the Council or Select Committee may, upon the motion of any member, direct that the petitioner or his counsel be heard at the meeting at which the motion is made or at and on some future specified time and day; and if the petitioner or his counsel is not present at the said meeting or does not appear at and on the said time and day, as the case may be, the permission granted by the Council or Select Committee shall be deemed to have lapsed.

61. Except as provided in Rules 43 and 60, no stranger shall be permitted to address the Council or any Select Committee.

62. Any member may move that the hearing of any person who has been permitted under Rule 60 to address the Council or a Select Committee shall cease, if such person is irrelevant or unduly prolix, or for any other sufficient reason.

XII. Duties of the Secretary.

63. The Secretary shall be bound to perform the following duties in addition to those specified in the preceding Rules —

1. to take charge of the records of the Council;

2. to keep the prescribed books ;

3. to attend all meetings and to take minutes of the proceedings ;

4. to superintend the printing of all papers ordered to be printed ;

5. to note in Bills the amendments ordered by the Council and to scrutinise all Bills and Regulations in view to preventing typographical errors ;

6. to prepare and revise the marginal abstracts of Bills and Regulations and the headings and arrangement of the chapters and the numbering of the sections thereof ;

7. to carry on correspondence under the orders of the Council ;

8. to help, when required to do so, in the framing of Bills ;

9. to generally assist the Council.

XIII. Books and Records.

64. A journal shall be kept containing a brief abstract of the proceedings of the Council. This journal shall be submitted as soon as possible after each meeting to the President for his confirmation and signature.

A copy of such abstract shall also be published in the ~~Government~~ Gazette in English and in Kannarese, as soon as may be, after the conclusion of each meeting.

65. A register and index of all letters and petitions addressed to, or despatched under the orders of, the Council shall be maintained.

XIV. General

66. The Council may, on a motion and at any time, suspend the operation of any of the foregoing rules.

67. Any Bill respecting which no motion has been made in the Council for the space of two years may, by order of the President, be removed from the list of business and the fact of such removal shall be announced by the President to the Council.

68 The Dewan or the member in charge of a Bill may entrust it to any other member and the member to whom it is so entrusted shall be the member in charge of the Bill for the purposes of these Rules.

69. Any member may apply to the Secretary for any papers or information connected with the business before the Council, and the Dewan shall determine whether such papers or information can be furnished.

Confidential

THE RESIDENT MYSORE

BANGALORE.

September 1906.

Dear Mr. Kumar Rao

I am in receipt of your D.O.letter of the 22nd August 1906, forwarding 2 copies of the revised draft Legislative Council Regulation, embodying certain amendments designed to safeguard the existing system of control over legislation in Mysore and to prevent the danger of the Council hereafter usurping functions which may embarrass the Government.

2. The amendments made appear to me to be suitable. There is however one point more which I would suggest for the consideration of the Durbar. The proviso to clause 12(2) of the revised draft Regulation being exhaustive, it would seem advisable to add to the proviso ~~in clause 12(2)~~ a paragraph to the following effect :-

" (i) such other matters as may be specially reserved by ~~the~~ His Highness the Maharaja for consideration by the Government'

The advisability of such a provision enabling the Durbar to pass orders having the force of law, without resorting to the Legislative Council is suggested by recent events in Travancore, where, as I understand, the Chief Court in a certain extradition case, which will be within your recollection, refused to recognise the

Dewan's

Dewan's executive order as having behind it the sovereign authority of the ruler, with the result that the Government of Madras were compelled to call upon the Maharaja to pass a special law, in order to meet the difficulty, without placing the measure before the Council. How the Chief Court came to deny the authority of the Dewan to pass the executive order in question, seeing that in this matter, as in every other instance where the Dewan speaks in the name of the Government, he did so presumably in virtue of the authority delegated by the sovereign, I do not understand, but the question deserves consideration whether the creation of a Legislative Council may not lead the Chief Judicial Court in Mysore similarly to scrutinize executive orders not authorized by the Statute Book. For instance, in the cases dealt with in the correspondence noted in the margin, the Government of His Highness the Maharaja apparentlyissued orders for the resurrender of the criminals concerned in a manner not covered by the law (the alteration of which is still under discussion with the Government of India,); and it is a question whether, if legislation had passed out of the hands of the Executive Government, it would not have been open to the person concerned to challenge the orders by appeal to the Chief Court. The subject of safeguarding the Maharaja's prerogative in such cases requires consideration.

Letter to the Durbar No.4717, dated 18th August 1906.

Letter from the Durbar Pol No.177, dated 29th August 1906.

Other

Other instances which occur to me are these. At present, I believe, the Durbar exercise the power of controlling and expelling wandering races in the State by executive orders without legislation; and again, the jurisdiction of the Durbar's Courts has been ousted in the case of Europeans and Americans who are not British subjects (in accordance with the policy of the Government of India) not by an amendment of the Criminal Procedure Code but by the issue of executive orders. With the creation of a Legislative Council, may it not be held that what is not provided for in the law, as regularly enacted, is contrary to the law and challengeable in the Courts ?

Clause 1^ does not meet the difficulty. It provides for the enactment of temporary laws pending reference to the Legislative Council. The case present to my mind is where the Durbar may ~~issue~~ wish to pass permanent orders, having the force of law, without going to the Legislative Council at all. I shall be glad to be favoured with the views of the Durbar in the matter.

Mr. Chandrasekhara Aiyar's covering letter of the 17th June 1908 requires revision in the light of the amendments embodied in the revised draft Regulation and it should also, I think, be amplified so as to explain clearly and fully the procedure to be followed in future in matters of legislation. It should, for instance, explain at what stages the Resident will be consulted and what provision is made for the exercise by the Government of

India

India of the power vested in them by the Instrument of Transfer.

and usage.

Yours very truly

[signature]

V.P.Madhava Rao Esquire, C.I.E.,

Dewan of Mysore.

62 — 6

Bangalore,
17th October 1906.

Dear Mr. Fraser

Your letter of the 25th September 1906, in regard to the Draft Legislative Council Regulation.

The Durbar accept the desirability of the addition suggested to the proviso to Clause 12(2), so as to give to Government the power to frame Regulations, without going up to the Legislative Council, on matters specially reserved from time to time to be dealt with in this way. The occasions for having recourse to this provision must be very rare indeed; and in all ordinary cases, not involving imperial relations, the laws enacted for the State will no doubt have the benefit of the publicity and careful and detailed consideration which it is the object of discussion in a Legislative Council to afford.

As regards the competence of the Durbar to pass permanent orders having the force of law, I beg to state that the position is not quite as you have stated in para 3 of your letter. Whatever ~~it~~ the case may have been in the days of the Chief Commissioners, the executive Government of Mysore has in these days no power to legislate in its capacity as such, any more than the executive Government of India has; it can pass rules or orders affecting the public, only if empowered to do so by virtue of positive enactment, that is, by powers in that behalf reserved in an Act or Regulation. Otherwise such rules or orders must be embodied in Notifications or Regulations purporting to proceed from the ~~Ruler of the State~~ Government of Mysore. It is not necessary, however, to elaborate the point further, as the addition to clause 12(2) which you have suggested has already been accepted.

64

As desired in para 4 of your letter, I have had the covering letter of 17th June 1906 revised, and beg to send herewith a revised letter to be substituted therefor with 2 copies of the revised draft of the Regulation.

Yours sincerely

(Sd) V. P. Madhava Rao

Pol No. 294

GOVT. OF H. H. THE MAHARAJA OF MYSORE,
GENERAL AND REVENUE SECRETARIAT,
Dated 17th Oct 1906.

From

K. S. CHANDRASEKHARA AIYAR, Esq., B.A., B.L.,
Secretary to the Government of H. H. the Maharaja of Mysore, General & Revenue Departments.

To

First Assistant to the Hon'ble the Resident in Mysore.

SIR,

I am directed to forward herewith a copy of a Draft Regulation to establish a Council for making Laws and Regulations in Mysore; and, in explanation of the measure, to submit the following remarks.—

2. His Highness the Maharaja considers that the time has arrived for associating with his Government in the task of legislation a certain number of official and non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements to give important and valuable assistance in the making of laws and regulations. The requirements of a progressive administration necessitate the passing of new laws and the amendment of existing ones from time to time; but the work has been found by experience to be such as cannot quite satisfactorily be done by the existing agency, namely, the Council of His Highness the Maharaja. In these circumstances it is considered desirable to enlarge the Council, so far as legislation is concerned, by the admission into it of official and non-official elements, so as to secure to measures proposed the benefit of discussion by a larger number of qualified men and from different standpoints in a Legislative Council. The introduction of any such institution is not, it may be remarked, intended in any way to affect or diminish the responsibility which, in legislation as in all other matters connected with the administration of the State, rests ultimately with His Highness himself; but solely to enable him and his Government to ascertain correctly the needs, wishes and feelings of the people, and to ensure that the laws enacted by him as the ruler of the State (with the approval of the Government of India in cases requiring such approval,) are in all respects well adapted to serve the ends in view. The publicity under which the discussions will ordinarly be carried on, and the facility afforded for the detailed consideration of every measure in a Select Committee, which is one of the features of a regularly constituted Legislative Council, are additional reasons for anticipating much practical good from such an institution. It need hardly be added that the proposed measure is sure to be welcomed by all classes of the people of Mysore, as a progressive measure and that there is a large body of educated, intelligent and well-informed men in the State from whom a sufficient number of persons fit to take a useful part in the deliberations of the Legislative Council may be chosen as non-official members from time to time.

3. Due provision is made for safeguarding the existing system of control by the Government of India over legislation in Mysore. As a rule, every Bill dealt with by the Legislative Council will be sent to the Hon'ble the Resident at two stages: firstly, before it is introduced, and, secondly, after the Council have on the Select Committee's report discussed the provisions and adopted necessary amendments. Sub-clause (1) of clause 12 provides that no measure of any description shall be introduced without the previous sanction in writing of the Dewan. In accordance with the existing practice, a reference will be made demi-officially to the Hon'ble the Resident, and his approval of the general principle of the measure obtained before such written sanction is accorded by the Dewan. Any suggestions made by him at this stage will be considered and freely discussed by the Select Committee or the Council, but treated as if they emanated from the member in charge of the Bill, all mention of the Hon'ble the Resident being avoided in the discussions. The final passing of the Bill under Rule 50 of the Schedule will in cases in which the previous sanction of the Government of India is required be deferred until after a second reference shall have been made to the Hon'ble the Resident, and his reply communicating the assent or views of the Government of India is received. The suggestions if any made at this stage will be put forward in the Council as amendments either by the member in charge of the Bill or some official member and adopted as a matter of course. In the Regulation and Rules all reference to the Government of India or to the Hon'ble the Resident is avoided, but the understanding will be that the suggestions of the British Government are to be accepted in Council at the final stage without discussion. Rule 50 of the schedule is intended to meet the contingency referred to above ; while Rule 53 makes it clear that the prohibition of discussions in Council in regard to the exercise of His Highness' prerogative extends also to cases in which His Highness sanctions a Bill with any alterations he thinks fit.

4. A few further notes explanatory of particular clauses of the Draft Regulation are appended below :-

Notes on Clauses.

Clause 2.—The definitions herein are intended chiefly to distinguish between the existing Councillors of State and the members of the new Legislative Council

Clauses 3, 4, 5 & 6.—The Council will consist of the Dewan as President, the two Councillors as *ex officio* members, and not less than ten or more than fifteen additional members to be nominated by Government and holding office for a period of two years at a time. Not less than two-fifths of such additional members will be non-officials, and provision has been made for defining the conditions under which all or any of the non-official members are to be selected prior to nomination by Government. For the present, however, all nominations will be kept entirely in the hands of Government, the question of allowing local bodies the privilege of submitting recommendations being considered later on when sufficient experience has been gained.

Clauses 7 & 8.—These set out the various ways in which membership is liable to cease.

Clause 11.—While it is the function of the Council itself to make such rules as it may, from time to time, find necessary to regulate the conduct of its business, it is thought convenient to set out a few rules on the subject in a schedule to the Regulation, both as an example of what such rules are intended to provide for, and as likely to be sufficient in themselves for all practical purposes in the early days of a new Council, till it feels the necessity for adding to or altering them. The right of disallowing all or any of the rules made by the Council is reserved to the Government; but will, of course, only be exercised in the rare cases in which a rule made is likely to be prejudicial to the efficient, harmonious or speedy transaction of business.

Clauses 12, 13, 14 & 15.—The business to be transacted at meetings will be confined to the "consideration and passing" of measures introduced therein. The "enactment" of every measure rests with the Highness the Maharaja and is constituted by the act of according his assent thereto. The proviso to Clause 12 excludes from the consideration of the Council a class of cases which all involve imperial relations, as also any other matters which may be specially reserved by His Highness the Maharaja for consideration by the Government. In all such cases it will be competent to Government to frame the necessary Regulations by means of the power reserved by Clause 14, and submit the same to His Highness the Maharaja for assent.

Special provision is made in clause 15 for the passing of measures which, while not outside the jurisdiction of the Legislative Council, are yet so emergently required that the regular course of introduction, consideration and passing thereof in the Council is likely to entail serious delay or is otherwise inexpedient. Such Regulations, however, are not intended to be operative for more than six months; their further extension beyond that period being a matter dependent on the measures being formally placed before the Council in the regular course.

5. I am directed to request, in conclusion, that the sanction of the Government of India to the passing of the Draft Regulation may kindly be obtained at an early date.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary.

the Council shall be exercised only at the meetings of the said Council at which the Dewan or some one of the Councillors and not less than one-half of the whole number of members of Council shall be present.

Quorum.

(2) In every case of difference of opinion at the meetings of the said Council, whenever there shall be an equality of voices, the Dewan, or in his absence, the Councillor then presiding, shall have two votes or the casting vote.

Casting vote.

10. It shall be lawful for the Dewan, from time to time, to appoint the time and place of meetings of the Council, to adjourn, or, from time to time, to authorise the Councillor presiding, in his absence, to adjourn any meeting from time to time.

Dewan to appoint time and place of meetings.

25 11. (1) It shall be lawful for the Legislative Council to make, from time to time, rules for the conduct of business at meetings of the Council, provided that it shall be lawful for Government to disallow all or any of such rules.

Rules for conduct of business at meetings.

(2) The rules contained in the schedule appended hereto shall be and remain in force until they are replaced or amended by rules framed under subsection (1) of this section.

12. (i) No measure of any description shall be introduced into the Council without the previous sanction in writing of the Dewan, and the leave of the Council obtained in accordance with rules framed under section 11.

Measures not to be introduced without Dewan's sanction.

(2) No business shall be transacted at any meeting of the Council other than the consideration and passing of measures introduced into such Council for the purpose of being considered and passed; and it shall not be lawful for any member to make or for the Council to entertain any motion unless such motion shall be for leave to introduce some measure as aforesaid into Council, or have reference to some measure actually introduced therein.

Nature of business to be transacted at meetings.

Provided that it shall not be lawful for the Council to consider any measure affecting

(a) the ruling family of Mysore;

(*b*) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or State,

(*c*) matters governed by treaties, conventions or agreements, now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power,

(*d*) extradition of criminals,

(*e*) European Vagrants,

(*f*) European British Subjects,

(*g*) the Post office, Telegraphs and Railways,

(*h*) the Mysore Military forces, or

(*i*) such other matters as may from time to time be specially reserved by His Highness the Maharaja for consideration by the Government.

No Law or Regulation valid until it receives the assent of the Maharaja

13. When any Law or Regulation has been made by the Council, it shall be submitted to His Highness the Maharaja through the Dewan for assent. No such Law or Regulation shall have validity until it receives the assent of His Highness the Maharaja.

Regulations in matters outside jurisdiction of Council.

14. In the cases mentioned in the proviso to section 12 of this Regulation, the Government may frame any Regulation required, and every such Regulation, if assented to by His Highness the Maharaja, shall have the force of law.

Emergent Regulations.

15. Notwithstanding anything contained in this Regulation, it shall be lawful for the Government to frame any Regulation, in cases not falling under the proviso to section 12 of this Regulation, in which legislation is emergently required, and every such Regulation, if assented to by His Highness the Maharaja, shall have the same force as a Regulation passed through the Council, for the space of six months from its promulgation in the official Gazette.

No Regulation to be invalid by reason of incompleteness of number of non-official members.

16. No Law or Regulation passed by the Legislative Council under the authority of this Regulation shall be deemed invalid by reason that the proportion of non-official members hereby provided was not complete at the date of its introduction into or its being passed by the Council.

[SCHEDULE.]

SCHEDULE.

Rules for the conduct of business of the Mysore Legislative Council.

I. Definitions.

1. In these Rules—

"Bill" means a proposed enactment in any stage before it has received the assent of His Highness the Maharaja.

In the computation of "Clear days" Sundays and holidays are not included.

II. Summoning and Adjournment of Council.

2. The times and places of meetings shall be fixed by the Dewan, and the Secretary shall notify the same in the official Gazette and to each Member by letter.

3. When the business before a meeting is concluded, the President shall declare the meeting dissolved. The President may adjourn, without any discussion or vote, any meeting or business, to any future day or to any part of the same day. The Council also may, upon motion made and carried, adjourn any meeting or business.

4. A motion that any meeting or business be adjourned or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech. If the motion is carried, the Council shall adjourn the meeting or business, or the further consideration of the business then under discussion shall be dropped, as the case may be.

5. A motion of the kind referred to in the last preceding rule shall take precedence of any other motion then before the Council, and, if such motion is rejected, no similar motion shall be made until after the lapse of what the President shall deem to be a reasonable time, nor by the Member by whom the previous motion was made.

6. If, at the time appointed for holding a meeting or adjourned meeting as aforesaid, or if at any time after the commencement of business at such meeting, the quorum required by section 9 of the Regulation (that is to say, the Dewan or some one of the Councillors and one-half of the whole number of members of Council), is not present, the members present shall, without proceeding to business of any kind, adjourn until again summoned by the Dewan, and the fact shall be noted by the Secretary in the Journal of the Council.

III. Course of Business.

7. The Secretary shall send to every member a statement of the business to be transacted at each meeting so as to reach him at least three clear days before the date fixed for such meeting.

8. No business which is not entered in the statement of business prepared under rule 7 shall be transacted at any meeting, unless the permission of the Dewan has been obtained previously to the meeting.

9. The President shall have power to regulate the order in which business is transacted, but, ordinarily, the succession of business shall be as described in Rule 10.

10. After the President has taken the chair—

(1) the Secretary shall report to the Council the Regulations which have received the assent of His Highness the Maharaja, under section 13 of the Regulation, and the Bills which have been disallowed since the last meeting;

(2) the Secretary shall report to the Council the petitions and other communications relating to the business of the Council which have been received by him since the last meeting and shall, if required, read such petitions and communications to the Council;

(3) Members desirous of obtaining leave to introduce Bills, and having obtained the written sanction of the Dewan therefor, shall move that such leave be granted;

(4) the Council shall then proceed to dispose of the business left unfinished at the last meeting, if any; and this being done,

(5) the Council shall proceed to deal with the remaining business for the day.

IV. Regulation of Discussions.

11. The President shall preserve order and shall decide all points of order submitted for his decision by the members and all questions connected with the interpretation of these rules. There shall be no discussion on any point of order and the President's decision shall be final.

12. Any member may draw the attention of the President to a violation of order and, while he is doing so, all other members shall remain silent.

13. In discussing questions coming before the Council for consideration, a member shall speak from his place and shall address the President.

14. Members may read their speeches and may also read, as part thereof, passages from books or papers bearing upon the question under discussion.

15. No member shall speak except upon business which is at the time regularly before the Council or, by special permission of the President, in explanation of what he said in a previous debate.

16. Except in discussing amendments, when the Council is settling the several clauses of a Bill, no member other than the mover shall speak more than once upon a question; but the mover shall, if he has spoken to the question when making his motion, be allowed a reply.

Provided that, if the matter before the Council be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak next after the mover and seconder of the amendment.

17. A member who has spoken upon a motion may speak again upon any amendment of that motion. A member may also speak again in order to explain what he has previously said if it has been misunderstood.

18. When for the purpose of explanation or for any other reason, a member has any occasion to ask of another member a question relative to the business before the Council, he shall ask the question through the President.

19. Every matter which comes before the Council for decision shall be decided in accordance with the majority of votes after (1) motion has been made and seconded and (2) the question has been put by the President.

20. No discussion whatever shall take place after the question has been put by the President.

21. Any member may ask for any papers or information connected with the business before the Council, and the President shall determine whether such papers or information can be furnished.

If the President be not the Dewan, and the papers or information called for belong to any Department of the State other than the Legislative Department, the Dewan may veto decision of the President.

V. Motions Generally.

22. Members who wish to make any motion at any meeting must give notice of their intention at the next preceding meeting, or must send such notice in writing to the Secretary so as to reach him at least six clear days before the day fixed for the meeting at which they intend to make the motion. Provided that the President may, at his discretion, permit a motion to be made of which such notice has not been given.

23. All motions of which notice is given under the preceding rule shall be entered in the statement of business prepared by the Secretary under Rule 7.

24. No motion shall be taken into consideration by the Council unless it is seconded.

25. A motion of which due notice has been given may, in the absence and at the request of the member by whom notice was given, be made by any other member; but if not so made, or if a member announces his intention of withdrawing a motion standing in his name, the motion may be made by any other member, and, if not so made, shall not be put unless the Council otherwise orders.

26. If amendments of any motion are moved, the President, when taking the sense of the Council thereon, shall in his discretion put first to the vote either the original motion or any of the proposed amendments thereof.

27. A purely verbal amendment of a motion may be moved at any time during the discussion upon the motion and without previous notice, but no amendment which is substantially the negative of a motion shall be taken into consideration by the Council.

28. A motion shall not be taken into consideration by the Council if it substantially raises a question already disposed of at the meeting or is inconsistent with any resolution already passed thereat.

29. If any motion, as made, involves several points, the President may, at his discretion, divide it, so that each point may be determined separately.

VI. Introduction of Bills.

30. Any member who may have obtained the previous sanction of the Dewan in writing to introduce a Bill into the Council may move at a meeting of the Council for leave to introduce the same in accordance with section 12 of the Regulation; provided that at least six clear days' previous notice of the title and subject of the Bill has been given to the Secretary.

31. If the motion for leave to introduce a bill be carried, the mover shall send the Bill, together with a full statement of the objects and reasons for the proposed measure and any connected papers

to the Secretary, who will forthwith cause the Bill, the statement of objects and reasons and the connected papers to be printed and communicated to each of the members, and will also cause the Bill and the statement of objects and reasons to be published in the Official Gazette in English and in Kanarese.

Provided that the publication may be deferred under the orders of the Dewan until the next meeting of the Council, when the publication of such Bill shall be considered.

32. The Dewan may, at his discretion, direct the Secretary to publish any Bill together with a statement of the objects of and reasons for it, in the Official Gazette in English and in Kanarese, although leave to introduce the Bill has not been applied for under Rule 30; and the Secretary shall publish it accordingly and shall send a copy of the Bill and of the statement of the objects and reasons to each of the members. When a Bill has been published under this rule, it shall not be necessary to move under Rule 30 for leave to introduce it.

33. At any time after leave to introduce a Bill has been granted under Rule 31 or after publication has been ordered under Rule 32, the member in charge of the Bill may introduce it after giving six clear days' notice to the Secretary; provided that no Bill shall be introduced until fifteen clear days from the date of its publication.

When introducing a Bill the member in charge of it shall move that the Bill be read in Council. The principle of the Bill and its general provisions may then be discussed, and, if the motion be carried the Council shall then consider the question of referring the Bill to a Select Committee, and, if the question be decided in the affirmative, the Council shall appoint the Committee and may further direct that its report shall be submitted within a special period.

34. At any time during the progress of a Bill the member in charge of it may move for permission to withdraw it, and, if such permission is granted, the Bill shall be withdrawn accordingly. The member in charge of a Bill which has been published under Rule 32, but which has not been introduced and read in Council, may withdraw the same without further formality than a mere announcement of the withdrawal to the Council.

VII. Select Committee.

35. Select Committees may be appointed by the Council for any purpose connected with the business of the Council and may sit and submit their reports although the Council is adjourned. The member in charge of a Bill shall always be a member of the Select Committee appointed to consider the Bill.

36. When a Bill has been referred to a Select Committee for consideration, it shall be the duty of the Committee to discuss each clause of the Bill and to recommend to the Council such amendments as seem to it to be advisable.

37. If the Council has fixed a period within which the Select Committee shall submit its report upon a Bill and the Committee is unable for any reason to submit its report within that period, the Dewan may, from time to time, extend the period on the application of the member in charge of the Bill.

38. The report of the Select Committee shall be signed by all the members of the Committee or a majority of them; but any member of a Select Committee may record his views in a separate minute.

39. The report of the Select Committee appointed to consider a Bill shall contain particulars of the principal amendments proposed and of the reasons for such amendments, or it may contain a recommendation that the Bill under consideration be abandoned.

40. The report of the Select Committee, any minutes that may have been recorded by individual members of the Committee, and (if the Bill has been amended) the Bill as amended by the Committee shall be printed and copies furnished to each member of the Council. The report and minutes (if any) and (if the Bill has been amended) the Bill as amended, or such portion thereof as may have been amended, shall also, unless otherwise directed by the Select Committee, be published in the official Gazette in English and Kanarese.

41. No business shall be transacted at any sitting of the Select Committee unless a majority of the members of the Committee including the member in charge of the Bill is present.

42. The Committee may elect their own Chairman, who shall have power to report to the Dewan the name of any member of the Select Committee who neglects or is unable to attend its sittings, and the Dewan may thereupon appoint, out of the members of the Council, an additional member to the Select Committee.

43. A Select Committee may, for the purpose of obtaining information, invite any person to be present at its sittings.

44. While a Select Committee is sitting to consider a Bill, all communications relating to the Bill which are received by the Secretary shall be referred to it.

VIII. Passing of Bills.

45. When a Bill has been introduced and read in Council under Rule 33 and the Council has decided that it is not necessary to refer it for consideration to a Select Committee, the Council shall not proceed to take the Bill in consideration until the expiration of fifteen clear days from the date on which the Bill was read under Rule 38.

In this case it shall not be necessary to make, on the day on which the Bill comes on for consideration, a formal motion that the Bill be taken into consideration.

46. When a Bill has been referred to a Select Committee under Rule 33, it shall not be taken into consideration by the Council unless copies of the report of the Select Committee and (if the Bill has been amended) of the Bill as amended shall have been sent to each of the members of the Council, at least fifteen clear days beforehand, and, in cases in which the Select Committee has not dispensed with publication referred to in Rule 40 until the expiration of twenty-one clear days from the date of such publication. Subject to these conditions, the member in charge of a Bill, when presenting the report of the Select Committee to the Council, may move either that the Bill and Report be taken into consideration at once or that the consideration of them be postponed to a subsequent meeting.

The discussion upon a motion under this Rule that a Bill be taken into consideration shall not extend to the principle of the Bill.

47. Any member wishing to propose an amendment affecting the substance of a Bill shall send a copy of the proposed amendment to the Secretary in accordance with Rule 22, and the Secretary shall

20-1-09

enter the same in the statement of business prepared under Rule 7; but it shall not be necessary to give previous notice of amendments of a purely verbal character or of amendments consequential upon, or moved in respect of, amendments which have been carried.

48. Proposed amendments of Bills shall not be moved until the Bill is actually taken into consideration and, when moved they shall be considered in the order of the sections to which they relate.

Proposed amendments of Bills shall be governed by Rules 24, 25 26, 28 and 29 relating to motions.

49. The President may declare that a proposed amendment of a Bill shall not be discussed or put into the vote on the ground that it, s irrelevant or incomplete or that an amendment identical in substance with it has been previously disposed of by the Council in considering the same Bill.

50. When the amendments proposed by the Select Committee (if the Bill has been referred to a Select Committee), and such other amendments as may be proposed by any of the members before the Council, have been considered by the Council, the member in charge of the Bill, or in his absence any other member, may move that the Bill as amended be taken up and passed at a subsequent meeting.

At such meeting the Council shall consider the amendments, if any, moved on behalf of Government, and pass the Bill. No amendments other than those connected with the amendments moved on behalf of Government shall, without the special permission of the Dewan, be brought up for consideration at this stage.

IX.—Final Stages of Bills.

51. When a Bill has been passed by the Council, the Secretary shall revise and complete the marginal abstracts and the numbering of the sections thereof and shall forward it to the Dewan for submission to His Highness the Maharaja.

52. The Dewan shall communicate His Highness' assent or dissent to Council by certificate in writing at the foot of the Bill and the Bill with such certificate shall be lodged in the records of the Council.

53. No member shall make any motion upon, or otherwise bring under the consideration of the Council, the exercise by His Highness of the prerogative of withholding assent to a Bill, or of according sanction to it with any alteration which His Highness may consider necessary.

54. When a Bill has received the assent of His Highness the Maharaja under section 13 of the Regulation, it shall be published in the official Gazette in English and in Kanarese.

X. Rules relating to Petitions.

55. Petitions to the Council must—

(*a*) relate to some matter actually under the consideration of the Council;

(*b*) be superscribed "to the Legislative Council;"

(*c*) be dated and signed by the Petitioner or Petitioners;

(*d*) be in respectful and temperate language; and

(*e*) conclude with a distinct prayer.

56. If a petition is not in conformity with Rule 55, or if the Secretary sees reason to doubt the authenticity of any signature append-

ed thereto, he shall certify the same on the back of the petition and report the fact to the Council. The Council may thereupon reject the petition, which shall then be returned to the petitioner or petitioners with a statement of the reason for such rejection.

57. If the petition is in conformity with Rule 55, the Secretary shall, if necessary, make an abstract of it and bring the petition under consideration by reading it or the abstract before the Council, which shall deal with the petition in such manner as it may deem proper.

XI. Admittance of Strangers.

58. Persons desirous of admission into the Council Chamber during the sittings of Council shall make application to the Secretary who will take the orders of the President thereon.

59. The President may, at any time during the sitting of the Council, direct that all strangers withdraw.

60. If a bill which peculiarly affects private interests be under the consideration of the Council or of a Select Committe thereof and if any person whose interests are so affected apply to the Council or Select Committee for permission to be heard, either personally or by Counsel, on the subject of the Bill, the Council or Select Committee may, upon the motion of any member, direct that the petitioner or his counsel be heard at the meeting at which the motion is made or at and on some future specified time and day; and if the petitioner or his counsel is not present at the said meeting or does not appear at and on the said time and day, as the case may be, the permission granted by the Council or Select Committee shall be deemed to have lapsed.

61. Except as provided in Rules 43 and 60, no stranger shall be permitted to address the Council or any Select Committee.

62. Any member may move that the hearing of any person who has been permitted under Rule 60 to address the Council or a Select Committee shall cease, if such person is irrelevent or unduly prolix or for any other sufficient reason.

XII. Duties of the Secretary.

63. The Secretary shall be bound to perform the following duties in addition to those specified in the preceding Rules—

a. to take charge of the records of the Council;

b. to keep the prescribed books;

c. to attend all meetings and to take minutes of the proceedings;

d. to superintend the printing of all papers ordered to be printed;

e. to note in Bills the amendments ordered by the Council and to scrutinise all Bills and Regulations in view to preventing typographical errors;

f. to prepare and revise the marginal abstracts of Bills and Regulations and the headings and arrangement of the chapters and the numbering of the sections thereof;

g. to carry on correspondence under the orders of the Council;

h. to help when required to do so, in the framing of Bills;

i. to generally assist the Council.

XIII. Books and Records.

64. A journal shall be kept containing a brief abstract of the proceedings of the Council. This journal shall be submitted as soon as possible after each meeting to the President for his confirmation and signature.

A copy of such abstract shall also be published in the Official Gazette in English and in Kanarese, as soon as may be, after the conclusion of each meeting.

65. A register and index of all letters and petitions addressed to or despatched under the orders of, the Council shall be maintained.

XIV General.

66. The Council may, on a motion and at any time, suspend the operation of any of the foregoing rules.

67. Any Bill respecting which no motion has been made in the Council for the space of two years may, by order of the President, be removed from the list of business and the fact of such removal shall be announced by the President to the Council.

68. The Dewan or the member in charge of a Bill may entrust it to any other member and the member to whom it is so entrusted shall be the member in charge of the Bill for the purposes of these Rules.

69. Any member may apply to the Secretary for any papers or information connected with the business before the Council, and the Dewan shall determine whether such papers or information can be furnished.

FIRST DR-

20-1-07.

Bangalore,
26th October 1906.

(Dear Mr Fraser)

With reference to our conversation yesterday on the subject of the competence of the Mysore Government in its executive capacity to pass permanent orders having the force of law, I beg to offer the following further remarks to supplement what I said in para 3 of my confidential D.O. letter of the 17th instant.

Your position, as I understand it, is that the executive Government of His Highness the Maharaja (as distinguished from His Highness himself as the fountain of all authority in the State) has at present the power to pass orders having the force of law, even if they are not covered by enabling powers conferred by statute. And you refer me, by way of illustration, to the following instances in which executive orders not authorized by the Statute Book have been issued by the Durbar :-

i.) The issue of orders for the resurrender of certain criminals in a manner not covered by the law,

and while the alteration of such law is still under discussion with the Government of India.

ii) The issue of executive orders - instead of an amendment of the Criminal Procedure Code - for ousting the jurisdiction of the Durbar's Courts in the case of Europeans and Americans who are not British subjects (in accordance with the policy of the Government of India).

iii) You also refer to (iv) a recent case of extradition in Travancore, in regard to which you doubt the correctness of the action of the High Court in questioning the authority of the Dewan to pass a certain executive order.

I venture to think that these instances are liable to a different construction from the one you feel disposed to attach to them.

First, as regards the orders regarding the resurrender of criminals.-

(a) In the first of the two cases referred to under this head, the Durbar asked for the extradition of one Ramasami Chetty alias Annamalai Chetty who was under trial in British India. On the Residency enquiring

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Read by Sec,
Dated 24-1-07

whether the Durbar were prepared to resurrender him on the completion of his trial in Mysore as required by section 11 of the Indian Extradition Act, the Durbar referred in reply to a general undertaking already given by them to resurrender all persons surrendered to Mysore under that section on the termination of their trial in Mysore. Doubts seem to have been felt as to the competence of the Durbar to act in the matter in the absence of statutory authority, and hence in your office letter No.3922 dated the 10th July 1906 it was enquired "whether "the provisions of the existing law would admit of the "resurrender of the accused person, on the completion of "his trial in Mysore, to the authorities in British India "and, if not, what arrangements are proposed to ensure "his resurrender". Similar doubts having been entertained here, a procedure whereby the resurrender of the accused could be secured under the sanction of existing provisions of law was suggested in ~~my~~ the General Secretary's letter Pol. No.98 dated the 3rd August 1906. This was not accepted on the ground that the

* First Assistant Resident's letter No.4717 dated the 18th August 1906.

British Magistrate should not be called upon to issue a fresh warrant when section 11 of the Extradition Act required the resurrender of the accused by the Native State without any such formality; and in these circumstances the Durbar were advised to pass a special order directing the resurrender of the accused in the case to the District Magistrate of Salem, the Mysore Code of Criminal Procedure being amended later on so as to admit of automatic resurrender in similar cases in future. In accordance with this suggestion, the District Magistrate of Bangalore has been instructed to make the necessary arrangements for resurrender. The action taken has not yet been reported.

This incident does not ~~as far as I can see~~ it seems to me afford illustration of the exercise of the power of legislation by the Executive Government. On the contrary, ~~if it established anything,~~ it ~~was the realisation by all concerned at the time~~ that the resurrender of prisoners could not be effected as a matter of course by mere executive directions, but required statutory authority in the shape of an amendment of the law of Criminal Procedure. How far the issue of "special orders"

could in particular cases cure the absence of general statutory authority is an important point to which I shall ~~have something more to say~~ later on when dealing with the Travancore case. ~~Here it is only necessary~~ to observe that ~~had it not been for the suggestion thrown out from the Residency~~, the solution which the Durbar would themselves have thought of would have been the issue of a general order or notification purporting to issue in the name of His Highness the Maharaja. As it is, compliance with the "special order" in the case, if at all questioned in a Court of Justice (of which however there is no probability) could perhaps be defended by the order being regarded as implying a virtual requisition for surrender from the British Indian Magistrate, which requisition ~~(in the form of a [illegible])~~ is sufficient authority under the Chief Commissioner's Notification of 23rd July 1878.

(b) In the other case, one Besta Konda, while undergoing imprisonment in the Central Jail, Bellary, for failure to furnish security for good behaviour, was surrendered to the Mysore Government for trial for

house-breaking and theft, with the request that if he be acquitted, or if the sentence if any passed on him would expire before the date of the expiry of the sentence in British India, he should be sent back in custody to Bellary. The necessary instructions were issued to the District Magistrate of Chitaldrug. The notes in my office file refer, as the authority for such action, to the view expressed in the Residency letter No.4719 dated the 18th August 1906, already referred to. The same remarks apply to this case as to the previous one, except that here there was a distinct request ~~which may be taken to be equivalent to a warrant~~ for the surrender of the accused ~~and this could be complied with under the Chief~~ Commissioner's ~~Notification of 1878~~.

Secondly, in regard to the ousting of the jurisdiction of the Durbar's Courts in the case of Europeans and Americans who are not British subjects.-

In this case, ~~all that has been done~~ what has been done is, in accordance with para 4 of Mr.Moss King's D.O. letter dated 20th February 1905, to issue a circular to subordinate

Courts and Officers directing "that immediate information be furnished of every case in which a criminal charge is preferred against any European (not being a British subject) or American in the Mysore State, with a view to the Court by which the case should be tried being determined by reference to the British Government", and calling for the submission of reports of the trial of all such persons at the earliest opportunity. Any interference with the jurisdiction of the Mysore Courts which has resulted is the consequence, not of executive orders issued by the Durbar, but of the decision of the Government of India communicated in para 3 of the above-mentioned D.O. to the effect that they have the right by virtue of Imperial prerogative to exercise criminal jurisdiction over the class of persons in question in Native States, but that they do not intend to interfere with the jurisdiction exercised by the particular State Court (viz., the Court of the Assistant Commissioner and First Class Magistrate of the Kolar Gold Fields) so long as it continues to be managed to the satisfaction of the Hon'ble the Resident.

~~It does not appear that~~ The decision of the Government of India ~~has~~ not having been given effect to ~~in the only way in which this can be done, viz.,~~ either by an amendment of the Code of Criminal Procedure or by the issue of a Notification in the name of His Highness the Maharaja, ~~So long as this is the case~~, I am afraid it is open to a party affected by the change of jurisdiction in any case to challenge the ~~validity of the authority under which~~ the jurisdiction of ~~a particular~~ the Court ~~otherwise competent to try the case is ousted~~. which may be specially referred by Govt.

Thirdly, as regards the power exercised by the Durbar of controlling and expelling wandering gangs by executive orders without legislation.-

I have not yet obtained full references on the subject, but believe that any rules or executive orders in force on the subject of the surveillance of gangs must have been issued under the authority of the Mysore Police Rules of 1872, which, having been issued with the sanction of the Government of India, have the force of

Courts and Officers directing "that immediate information be furnished of every case in which a criminal charge is preferred against any European (not being a British subject) or American in the Mysore State, with a view to the Court by which the case should be tried being determined by reference to the British Government", and calling for the submission of reports of the trial of all such persons at the earliest opportunity. Any interference with the jurisdiction of the Mysore Courts which has resulted is the consequence, not of executive orders issued by the Durbar, but of the decision of the Government of India communicated in para 3 of the above-mentioned D.O. to the effect that they have the right by virtue of Imperial prerogative to exercise criminal jurisdiction over the class of persons in question in Native States, but that they do not intend to interfere with the jurisdiction exercised by the particular State Court (viz., the Court of the Assistant Commissioner and First Class Magistrate of the Kolar Gold Fields) so long as it continues to be managed to the satisfaction of the Hon'ble the Resident.

GOVERNMENT OF MYSORE

20-1-08

The only orders that ~~I can call to mind~~ are those contained in a circular issued on the 4th July 1887 by the Inspector General of Police in regard to "the Surveillance of Criminal Gangs such as Waddars, Korachars, Lambanis, etc". This does not purport to issue under any special provision of law; but as it is distinctly stated in the circular that "no restraint should be placed upon the movements of these gangs, resident or wandering, the duty of the Police being strictly limited to watching them", it does not appear that they are anything more than departmental instructions addressed to Police officers in regard to the due performance of their duties. ~~I have not been able to trace any~~ No general order of Government for "controlling and expelling wandering gangs", ~~though I am aware that Rule 68 of the Mysore Police Rules of 1872 (which have the force of law) empowers Government to make any needful rules on the subject, and that under the Bombay District Police Act, 1890, (section 46) which is the basis of the Draft Police Regulation under consideration,~~ express powers have been conferred on the Magistracy in regard to the dispersal and control of the movements of gangs.

law, and Rule 68 of which empowers Government to make needful additions to the Rules from time to time. I may add that express powers in regard to the dispersal of gangs have been conferred in Bombay by the Bombay District Police Act, 1890, (section 46), which has been adopted as the basis of the Draft Police Regulation under consideration.

Lastly, as regards the Travancore case, my impression is that the decision of the High Court proceeded upon the ground that, while the Maharaja is the source of all authority in the State, he has delegated to the Dewan only the function of administering, in His Highness' name, and subject to His Highness' approval in particular cases of importance, the executive government, while retaining with himself the sovereign prerogative of assenting to or withholding his assent from measures of legislation. This being so, the Dewan as the head of the Executive Government could only issue orders binding on the subjects of the State to the extent to which he was empowered to do so by law; and

there being, in the opinion of the High Court, no such legislative provision enabling the Dewan to direct the surrender of the accused to the British Government, they could not but hold that the order in question was invalid.

~~I do not know that~~ It ~~is~~ necessary to further elaborate the position that the fact of the Dewan being the mouth-piece or agent of the Maharaja in matters of executive administration does not necessarily invest him with powers to legislate. If this were so, there would be no necessity at all when framing laws and regulations to expressly reserve to the (Executive) Government the power to make rules and orders.

As I have said already, if it is desired to pass such rules or orders otherwise than by virtue of positive enactment, they must be embodied, if not in a Regulation, then in a Notification purporting to proceed from His Highness the Maharaja. This has been the view accepted in Mysore; and by way of illustration, I beg to refer to the following recent instances in which directions which could had the force of law and could not be given effect to by means of executive orders

~~not be issued by the Executive Government~~ were ~~(or are proposed to be)~~ promulgated by means of Notifications of His Highness the Maharaja :-

1) Notification No. J 418- C 35-4 dated the 7th August 1905, issuing certain orders for the guidance of Criminal Courts in regard to their jurisdiction over Native Officers and Soldiers of the Indian Army.

2) Notification No. 124-34 / Legis. 12-03 dated the 9th February 1904, defining the powers of Police Officers and Magistrates in Mysore in regard to European British subjects accused of offences.

Copies of both the above are enclosed.

I may say that it was the same consideration that induced the Durbar to suggest that the notification to be issued in regard to the surrender of Mysore convicts to British India for trial should issue in the name of His Highness the Maharaja. (The matter, I note, is still under correspondence.)

Letter No. Pol 467 dated the 2nd December 1904.

I trust you will excuse my discussing the matter

at ~~some~~ length; but apart from its own importance, I gather from my conversation with you that I had not made the position quite clear in my confidential D.O. of the 17th instant.

~~Yours~~

(Yours sincerely)

(Sd) V. P. Wadhams

FIRST PROOF

Read by .....

Dated .....

Confidential

No: 6229

5 C 04.8

BANGALORE.

31st October 1906.

Dear Mr Krishna Rao

15768

I am obliged to you for your letter of 26th instant in which you offer further remarks to supplement what was said in your letter of 17th October on the subject of the competence of the Mysore Government in its executive capacity to pass permanent orders having the force of law.

I fear that the divergence of opinion between us is due to the misunderstanding, revealed in your letter, that I had drawn a distinction between the executive Government of the Maharajah and His Highness himself, the fountain of all authority in the State. That such was not my intention and that the phrases "Government of His Highness" and "the Durbar" were meant as used by me to be synonymous with "the Maharajah" is clear from paragraph 2 of my letter of 25th September where I wrote "The subject of safeguarding the Maharajah's prerogative in such cases requires consideration". It is with a view solely to protecting that prerogative that my criticisms were made and indeed, I know of no authority for attempting a distinction between the powers of the Executive Government of any Chief and those of the Chief himself, from whom alone his officers derive authority.

My position is simply this. Until a Legislative

Council

55

Council has been created, as remarked by Sir Sheshadri Iyer in 1895 " In Mysore the Legislative and Executive functions are vested in the same authority, namely, the Maharajah", and, as the instances given in your letter of 25th instant show, the Maharajah issues orders having the force of law, not only through the medium of regular legislation, i.e., by enacting a regulation, but sometimes by publishing Notifications not based upon any existing Legislation.

This very useful power, His Highness will presumably retain in the case of all measures excluded by Section 12(2) from consideration by the Legislative Council, and I think that his prerogative is made quite safe by the Durbar's addition of the generally worded sub-section (i) to the cases specifically described.

Yours sincerely

J. M. Stuart

V. P. Madhava Rao Esquire, C.I.E.,

Dewan of Mysore.

Dewan's D.O. to Secy. Bo 883 25/11/06

File 4/3-11/06

Rec'd 20th

56

No. 1033 9

FROM

F. P. RENNIE, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 20th February 1907.

SIR,

I am directed to refer you to Mr. Chandrasekhara Aiyar's letter Pol. No.294 dated the 17th October 1906, regarding the proposed establishment of a Legislative Council in Mysore.

2. It is understood that in framing these proposals the Durbar clearly recognise that, whatever the legislative machinery employed, the ultimate responsibility for all legislation in Mysore remains absolutely with His Highness the Maharaja and that the control over such legislation vested in the Governor General in Council by the Instrument of Transfer, 1881 is unimpaired.

3. On this understanding I am to say that His Excellency the Governor in Council is pleased to accord sanction to the draft regulation which formed an accompaniment to Mr. Chandrasekhara Aiyar's letter of the 17th October 1906.

I have the honour to be,

Sir,

Your most obedient servant,

F P Rennie

First Assistant Resident.

Proceedings of the Government of H.H.
the Maharaja of Mysore.

O R D E R.

No. J 2916 / Leg 47 / 06 dated 20th March 1907.

His Highness the Maharaja considers that the time has arrived for associating with his Government in the task of legislation a certain number of official and non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements to assist in the making of laws and regulations, and that it is desirable to form a Legislative Council, comprising both official and non-official elements, so as to secure to measures proposed the benefit of discussion by a number of qualified men and from different standpoints. The introduction of any such institution is not, it may be remarked, intended in any way to affect or diminish the responsibility which, in legislation as in all other matters connected with the administration of the State, rests ultimately with His Highness himself; but solely to enable His Highness and his Government to ascertain correctly the wants, wishes and feelings of the people, and to ensure that the laws enacted by him as the Ruler of the State are in all respects well adapted to serve the ends in view. The publicity

under

under which the discussions will ordinarily be carried on, and the facility afforded for the detailed consideration of every measure in a Select Committee, which is one of the features of a regularly constituted Legislative Council, are additional reasons for anticipating much practical good from such an institution.

His Highness the Maharaja has for these reasons been pleased to enact the accompanying Regulation to establish a Council for making Laws and Regulations in Mysore.

2. Under this Regulation, which will come into force on the expiry of three months from the date of its first publication, the Legislative Council will consist of the Dewan as President, the two Councillors as ex officio members, and not less than ten or more than fifteen additional members to be nominated by Government and holding office for a period of two years at a time. Not less than two-fifths of such additional members will be non-officials, and provision has been made for defining the conditions under which all or any of the non-official members are to be selected prior to nomination by Government. For the present, the number of additional members has been fixed at ten, and all nominations will be in the

hands

hands of Government, the question of allowing local bodies the privilege of submitting recommendations being considered later on when sufficient experience has been gained. The names of the additional members appointed will be notified separately.

3. While it is the function of the Legislative Council itself to make such rules as it may, from time to time, find necessary to regulate the conduct of ~~business~~ its business, it is thought convenient to set out a few rules on the subject in a schedule to the Regulation, both as an example of what such rules are intended to provide for, and as likely to be sufficient in themselves for all practical purposes in the early days of a new Council, till it feels the necessity for adding to or altering them. The right of disallowing all or any of the rules made by the Council is reserved to the Government; but will, of course, only be exercised in the rare cases in which a rule made is likely to be prejudicial to the efficient, harmonious or speedy transaction of business.

4. The business to be transacted at meetings will be confined to the "consideration and passing" of measures introduced therein. The "enactment" of every measure rests with His Highness

the

the Maharaja and is constituted by the act of according his assent thereto. The proviso to section 12 excludes from the consideration of the Council a class of cases which all involve imperial relations, as also any other matters which may be specially reserved by His Highness the Maharaja for consideration by the Government. In all such cases it will be competent to Government to frame the necessary Regulations by means of the power reserved by section 14, and submit the same to His Highness the Maharaja for assent.

5. Special provision is made in section 15 for the passing of measures which, while not outside the jurisdiction of the Legislative Council, are yet so emergently required that the regular course of introduction, consideration and passing thereof in the Council is likely to entail serious delay or is otherwise inexpedient. Such Regulations, however, are not intended to be operative for more than six months; their further extension beyond that period being a matter dependent on the measures being formally placed before the Council in the regular course.

Secretary to Government.

To -

The Compiler, Mysore Gazette, for publication in the next three issues of Part III of the Gazette, along with the Regulation I of 1907. Proof to be submitted for approval.

Legislative

101

NOTIFICATION. No. 829/15-Leg-47-07 dated 20th March 1907.

The Government of His Highness the Maharaja are pleased to appoint the following gentlemen to be members of the Mysore Legislative Council under sub-section (2) of section 4 of Regulation I of 1907 :-

Official members.

1) Mr.A.Rangaswamiengar, B.A., B.L.,
Revenue Commissioner.

2) Mr.P.N.Purnaiya, B.A.,
Excise Commr. and Inspector General of Registration.

3) Mr.H.J.Bhabha, M.A.,
Inspector General of Education.

4) Mr.K.S.Chandrasekhara Aiyar, B.A.,B.L.,
Secretary to Govt., Genl. & Rev. Departments.

5) Mr.M.Kantaraj Urs, B.A.,
Deputy Commissioner.

6) Mr.S.Narayana Rao,
Government Advocate.

Non-official members.

1) Rajadharmapravina
Mr. T.R.A.Thambu Chetty, C.I.E.

2) Rajamantrapravina
Mr.C.Srinivasiengar.

3) Mr.M.C.Rangaiengar, B.A.,

Advocate, Mysore.

4) Mr.B.Nagappa, Bar-at-law,

Bangalore.

"By Order"

12/3/37

Secretary to Government.

To

The Compiler, Mysore Gazette, for publication in Part I

(Spare copies : - 50)